

ARTICLE 16 CITY OF EUDORA ZONING REGULATIONS

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PAGES RESERVED

ARTICLE 16 - CITY OF EUDORA ZONING REGULATIONS

SECTION 1. GENERAL PROVISIONS

- 16-101 Short Title. This article shall be known and cited as the “Eudora Zoning Ordinance” and the Official Zoning District Map for the City of Eudora, Kansas.
- 16-102 Purpose. The zoning regulations set forth in this Article are enacted to implement the land use element of the Comprehensive Plan for the city and to promote the health, safety, morals, and the general welfare of the city and its citizens and to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements.
- 16-103 Jurisdiction. The jurisdiction of this Article shall apply to all land located within the corporate limits of the City of Eudora, Kansas.
- 16-104 Establishment of Districts.
- (1) Residential
 - (a) RA – Residential Agriculture District.
 - (b) RS – Residential Single-Family District.
 - (c) RT – Residential Two-Family or Duplex District.
 - (d) RM – Residential Multifamily District.
 - (e) RE – Residential Elderly Housing District.
 - (2) Commercial
 - (a) C – Commercial District.
 - (b) DC – Downtown Commercial District.
 - (3) Industrial District
 - (a) I – Industrial District.
 - (4) Flood Plain Overlay Districts
 - (a) FW – Floodway Overlay District.
 - (b) FF – Floodway Fringe Overlay District.
 - (5) Overlay Districts
 - (a) POD – Planned Overlay District.
 - (b) K-10 – Kansas Highway Overlay District.

16-105 Table of Equivalent Districts.

There is hereby created a city of Eudora Zoning Table of Equivalent Districts, which table shall establish equivalency between the new zoning district classifications of these regulations and the prior district classifications in effect at the time the adoption of these amended regulations, as to the zoning text and the application of the districts to the City of Eudora official zoning map.

TABLE OF EQUIVELANT DISTRICTS	
New Districts	Equivalent Prior Districts
RA Residential Agriculture	RA Agriculture Residential
RS Residential Single-Family	RS Low-Density Residential
RT Residential Two-Family or Duplex	RT Two-Family or Duplex Residential
RM Residential Multifamily	RM Multifamily Residential RC Condominium Dwelling RG Garden Apartment
RE Residential Elderly Housing	RE Elderly Housing Residential
C Commercial	C-1 Convenience Shopping C-3 General Business CO Office Commercial CN Neighborhood Commercial CH Highway Commercial CG General Commercial
DC Downtown Commercial	C-2 Central Business District
I Industrial	I-1 Industrial District P.I.P. Planned Industrial Park
FW Floodway	
FF Floodway Fringe	Flood Plain Overlay Districts
POD Planned Overlay	P Planned Overlay Districts P.U.D. Planned Unit Development
K-10 Overlay District	K-10 Overlay District

16-106 Planning Commission.

- (1) Planning Commission Created. There is hereby created a city Planning Commission consisting of seven members, of which two members shall reside outside of, but within-three miles of this city, with the remaining members' residents of the city. All of the members shall be appointed by the mayor with consent of the council. The members shall be appointed for terms of three years each. Vacancies shall be filled by appointment for the unexpired term only. Members of the commission shall serve without compensation for their service. (K.S.A.12-744; Code 1977, 13-101).
- (2) Meetings; Officers; Chairperson; Record; Powers. The members of the city Planning Commission shall meet at least once a month at such time and place as they may fix by resolution. They shall select one of their number as

chairperson and one as vice chairperson who shall serve one year and until their successor has been selected. A secretary shall also be elected who may or may not be a member of the commission. Special meetings may be called at any time by the chairperson or in his or her absence by the vice chairperson. A majority of the commission shall constitute a quorum for the transaction of business. No action by the commission shall be taken except by a majority vote of the membership thereof. The commission shall cause a proper record to be kept of its proceedings. The commission may employ such persons deemed necessary and may contract for such services as the commission requires. The commission, from time to time, may establish subcommittees, advisory committees or technical committees to advise or assist in the activities of the commission.

- (3) Powers, Duties of Planning Commission; Comprehensive Plan; Review. The Planning Commission is hereby authorized to make or cause to be made a comprehensive plan for the development of such city and any unincorporated territory lying outside of the city but within Douglas County, which in the opinion of the commission forms the total community of which the city is a part. The comprehensive plan and any amendments thereto shall become effective upon publication of the adopting ordinance.

An attested copy of the comprehensive plan and any amendments thereto shall be sent to all other taxing subdivisions in the planning area which request a copy of such plan. Such plan or part thereof shall constitute the basis or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as a wise and efficient expenditure of public funds.

The Planning Commission may at any time review or reconsider the plan or any part thereof and may propose amendments, extensions or additions to the same. The procedure for the adoption of any such amendment, extension or addition to any plan or part thereof shall be the same as that required for the adoption of the original plan or part thereof.

The Planning Commission shall annually review or reconsider such plan or any part thereof, and may propose amendments, extensions or additions to the same. The procedure for the adoption of any such amendment, extension or addition to any plan or part thereof shall be the same as that required for the adoption of the original plan or part thereof. The Planning Commission shall make a report to the governing body regarding the same on or before the first day of July of each year.

The commission shall have such further powers and duties, including but not limited to construction of public facilities, subdivision regulations, and plat approval, as are authorized by the Kansas Statutes Annotated and all amendments thereto.

- (4) Budget; Submit Annually. On or before the first Monday in August of each year the Planning Commission shall submit to the city governing body a budget of expenditures for the ensuing fiscal year, as provided by the statutes of the

SECTION 1 – GENERAL PROVISIONS

State of Kansas. The governing body shall approve a Planning Commission budget and make such allowances to the Planning Commission as it deems proper, including funds for the employment of such employees or consultants as the governing body may authorize and provide and shall add the same to the general budget.

- (5) Administration. For administrative procedures, including zoning map amendments and enforcement, see Section 10 of this Article.

SECTION 2. RULES FOR INTERPRETATION; DEFINITIONS

- 16-201 Rules for Interpretation of District Boundaries. Zoning districts are bounded and defined as shown on a map entitled "Official Zoning District Map" for Eudora, Kansas, adopted as a part of this Article and certified and available in the office of the city clerk, which with all explanatory matter thereon is made a part of this Article. The zoning map shall be kept and maintained on file with the city clerk and shall be available for inspection and examination by members of the public at all reasonable times as any other public record.

Where uncertainty exists with respect to the boundaries of any of the aforesaid zoning districts, the following rules shall apply:

- (1) Where district boundaries on the zoning map are indicated as approximately following the centerlines of streets, highway, or railroads, such boundaries shall be deemed to be located at such midpoints.
- (2) Where district boundaries are so indicated that they approximately follow lot lines or section lines, such lines shall be construed to be the boundaries.
- (3) Where the boundary of a district follows a stream, lake or other body of water, the boundary line shall be deemed to be at the limit of the jurisdiction of the county and/or the respective cities, unless otherwise indicated.
- (4) All territory which may hereafter be annexed and included within the zoning jurisdiction of the city shall be governed by and subject to the requirements of the RA Agriculture District until such time as the official zoning district map be amended to include such territory in other districts.

- 16-202 Definitions. The City of Eudora hereby adopts zoning definitions as published in Lehman's Zoning Trilogy, PO Box 27015, Barrie, Ontario, CANADA L4M 6K4, as the zoning definitions when interpreting these regulations; except that, the following definitions shall apply if not found in said published source, or if in duplicate with such source.

Accessory Building: A detached subordinate building, located on the same lot with the main building, the use of which is incidental to the main building or to the main use of the premises.

Accessory Use: A use which is customarily incidental, appropriate and subordinate to the principal use of land or buildings located upon the same premises.

Adaptive Reuse: An office/institutional reuse of an existing non-residential structure, which adaptations requires no increase of the exterior structural bulk by more than ten percent, or of any minimum lot line setback.

Agriculture, General: The use of land for agricultural purposes on parcels greater than 40 acres.

Agriculture, Limited: The use of land for the production of row crops, field crops, tree crops or timber.

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Apartment: A room or suite of rooms in a multiple dwelling or where more than one living unit is established in any building, intended, designed, used or suitable for use by one or more persons as a place of residence with culinary accommodations.

Applicant: The owner or duly designated representative of land proposed to be subdivided, or for which a special permit, amendment, variance, construction permit, or certificate of occupancy has been requested. Consent shall be required from the legal owner of the premises.

Auditorium or Stadium: An open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

Board of Zoning Appeals: The board of zoning appeals shall have the same purpose, powers and authority as the zoning board of appeals as established by the Kansas Statutes.

Boat: A small vessel for travel on water.

Boat Trailer: A trailer designed with cradle-type mountings to transport a boat and configured to permit launching of the boat from the rear of the trailer.

Carport: A covered structure used to offer limited protection to vehicles, primarily automobiles, from the elements. The structure can either be free standing, attached to a wall, or an integral part of a larger structure (e.g. dwelling unit or detached garage) and is open on at least two sides. Additionally, the carport can be:

1. Permanent in design and construction and built as part of the main structure or detached garage, thereby requiring a building permit.
2. Prefabricated and manufactured off-site. Although this type of carport may be attached to the main structure, detached garage, and/or ground in a way that does not require a building permit, a carport permit is still required.

City Clerk: The city clerk of the City of Eudora, Kansas.

City, the: The City of Eudora, Kansas.

Codes Administrator: The Codes Administrator shall have the authority, responsibilities and duties of the City Planning and Zoning Administrator, Building Inspector and Codes Enforcement Officer to administer the Planning and Zoning Regulations of the City and other such duties as may be given him or her by the governing body.

Common Open Space: An area of land or water planned for passive or active recreation such as swimming pools or tennis courts but not including roadways.

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Comprehensive Plan: The plan adopted by the Planning Commission and co-adopted by the City Council which through text, charts and maps establishes policies for general locations of land uses including streets, parks, schools, public buildings, and utilities; and related uses as prescribed by statute.

Conversion Van: A passenger van converted to include basic temporary living quarters and generally considered to be the smallest version of the fully enclosed motor home. They are constructed on a van chassis that may have elevated roof lines but no modifications to the length or width of the original chassis. Heights of seven (7) to eight (8) feet and lengths of seventeen (17) to nineteen (19) feet are common.

Dedication: Intentional transfer by the developer to the public of ownership of, or an interest in, land for public purpose. Dedication may be effected by compliance with statutes relating to dedication of land, by formal deed by conveyance, or by any other method recognized by the laws of the State of Kansas.

District: A section or sections of the city, as designated on the Eudora Zoning Map, specifically declared within which the regulations governing the use of buildings and premises are uniform.

Dwelling: Any building or portion thereof which is designed or used primarily for residential purposes.

Dwelling, Apartment House: A building or portion thereof intended, designed, used or suitable or use as a residence for three or more families living in separate apartments.

Dwelling, Assisted Living: Multifamily dwelling units used or designed to be used by older persons, persons with disabilities or other persons needing or desiring assistance with day-to-day living matters, but not including group homes, group housing, hospitals or convalescent care facilities. Typical uses include retirement communities in which housekeeping services, common dining facilities and recreational and social activities are offered to residents.

Dwelling, Single-family: A detached building or portion thereof designed for or occupied exclusively by one family including a Group Home as defined in this Section and including a residential-designed manufactured home.

Dwelling Two Family or Duplex: A building or semi-detached building or portion thereof on a single lot, designed or occupied exclusively by two families living independently of each other.

Dwelling Multifamily: A building or portion thereof designed with accommodations for or occupied by three or more families living independently of each other who may or may not have joint services or facilities or both. The term includes dormitories and lodging and rooming houses.

Dwelling Unit: A building or portion of a building that contains living facilities for not more than one family and that includes provisions for sleeping, cooking, eating and sanitation.

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Dwelling, Townhouse: A dwelling unit located in a group of three or more attached townhouse dwelling units with no other dwelling unit located above or below another and with each dwelling unit having at least one interior common wall and a private exterior entrance.

Townhouse Structure: A grouping of three or more townhouses.

Townhouse Site: A townhouse, the total land area beneath the townhouse and the facilities associated with the townhouse.

Enclosed Building: The primary structure or a detached garage fully enclosed by walls and a roof, with any openings covered by installed windows or doors.

Family: An individual, or two or more persons related by blood or marriage, or a group of not more than four persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

Fifth-wheel Trailer: A trailer designed to be affixed to, and towed by, a truck equipped with a special hitch in the truck bed.

Floodplain: Land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of one percent.

Folding Camper Trailer: A light-weight unit with sides that collapse for towing or storage, and is sometimes referred to as a fold-down camper, pop-up trailer or tent trailer.

Full Size Van: A larger version of a minivan, built on a truck frame, and having a seating capacity of up to twelve (12) persons, or having no rear seating and used for carrying cargo, ordinarily having a wheelbase of 135 inches.

Funeral Home: An establishment engaged in preparing the human deceased for burial or cremation and arranging and managing funerals.

Governing Body. The City Commission and Mayor of Eudora, Kansas.

Group Home. Any dwelling occupied by not more than 10 persons, including eight or fewer persons with a disability who need not be related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this state.

Hard Surfaced Road: An all weather surface improved with asphalt, concrete, asphaltic concrete or similar material designed to City of Eudora street standards.

Hauling Trailer: Every vehicle without motive power designed to carry property and to be drawn by a motor vehicle, excluding a boat trailer with a boat on it.

Height of buildings and structures: The vertical distance from the average ground level abutting a building or structure to the highest point of a building or highest point of any permanent part of a structure other than a building. Height, where not

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regulated by feet, shall be regulated by stories and a story shall be equal to twelve (12) feet for purposes of measuring structures other than buildings.

Home Occupation shall mean any occupation, profession or craft which is clearly incidental to the use of the premises in which it is located as a dwelling place and which meets other requirements of these regulations.

Land Disturbance: Change of the land surface, including removing vegetative cover, excavation, filling, grading, and the construction of any structure. Such change shall not include agricultural activities such as planting, growing, cultivating, and harvesting of crops, or growing and tending of gardens, or harvesting of trees; or landscape modifications.

Loading Space: A space having a minimum dimension of 10 feet by 25 feet and a vertical clearance of 14 feet, within the main building or on the same lot providing for the standing, loading or unloading of trucks.

Lot. Any parcel of land occupied or intended for occupancy by one main building together with the accessory buildings and customary uses incident thereto, including the open space required by this Article.

Lot Area. The total horizontal area within the lot lines of a lot, exclusive of any existing or future right-of-way, i.e. net site area.

Lot, Corner or External. A lot abutting upon two or more streets at their intersection and shall be deemed to have a front yard on that street on which the lot has its least dimension, unless otherwise specified by the codes administrator. Corner or external lots with street frontage of equal dimensions may have a front yard on either street according to the wishes of the owner so long as the minimum requirements of this Article are observed.

Lot, Depth of. A mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lines of the lot.

Lot, Double Frontage. A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

Lot, Internal. Any lot which does not constitute a corner or external lot.

Lot Line, Front External. A boundary line of a lot which coincides with a street boundary line.

Lot Line, Side Internal. A boundary line of a lot which does not coincide with a street boundary line.

Lot Line, Rear Internal. A boundary line of a lot which does not coincide with a street boundary line but may coincide with an alley line.

Lot of Record. A lot which is a part of a subdivision, the map of which has been recorded with the city and in the office of the Douglas County register of deeds, or a

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lot described by metes and bounds the description of which has been recorded with the city and in the office of the Douglas County register of deeds.

Lot, Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Lot, Zoning: A parcel or tract of land used, developed or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record or any combination thereof.

Manufactured Home. A structure that is transportable in one or more sections, that, when in traveling mode, is eight body feet or more in width and 40 body feet in length, and, when erected on site, is 640 or more square feet and is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and complies with the federal manufactured home construction and safety standards that have been established pursuant to Section 4 of the National Manufactured Housing Construction and Safety Standards Act of 1974, codified, as amended, at 42 U.S.C. § 5403.

Manufactured Home, Residential-Design. A manufactured home which satisfies the following additional criteria:

1. The manufactured home shall have minimum dimensions of 22 feet in width and 40 feet in length;
2. The pitch of the roof of the manufactured home shall have a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run and the roof finished with a type of shingle that is commonly used in standard residential construction in the City;
3. All roof structures shall provide an eave projection of no less than 12 inches, exclusive of any guttering;
4. The exterior siding shall consist of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of low luster white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the City;
5. The manufactured home shall be set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1987" (NCS BCS A225.1), and installed on a permanent foundation under the perimeter of the Residential-Design Manufactured Home;
6. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the building code and attached firmly to the primary structure and anchored securely to the ground; and

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7. When installed has substantially the appearance of an on-site, conventionally built, single-family dwelling.

Manufactured Home Park. Any parcel of land, consisting of at least five acres for which the owner or operator:

1. has obtained a use permitted upon review as provided for in these regulations,
2. has complied with all licensing provisions of the city code, and
3. meets all criteria established by the Manufactured Home Park Regulations set forth in these regulations upon which is located more than one manufactured home occupied for dwelling purposes, regardless of whether or not a charge is made for each and every accommodation.

Minivan: A smaller version of a full size van that is built on a car frame and usually used primarily for carrying persons and commonly having a seating capacity of seven (7), and a wheelbase of 110 inches.

Mobile Home: A structure or residence that is not in compliance with the federal manufactured home construction and safety standards that have been established pursuant to Section 4 of the National Manufactured Housing Construction and Safety Standards Act of 1974, codified, as amended, at 42 U.S.C. § 5403.

Motor Vehicle: Any automobile, truck, tractor, farm machinery or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time. For the purposes of this Section, the term "vehicle" not prefaced by the terms "motor," "commercial," "specially constructed" or "recreational" shall include any or all of the following, depending on the context and intended usage of that term: boat, hauling trailer, commercial vehicle, motor vehicle, recreational vehicle, or other watercraft.

Motorized Recreational Vehicle: A vehicle, also known as a motor home, which combines transportation and living quarters in one unit, ranging from a minivan up to a large bus size. It does not include the tractor portion of a highway tractor-trailer.

Nonconformance. A lawful condition of a structure or land that does not conform to the regulations of the district in which it is located. This term shall include but is not limited to failure to conform to regulations governing use, height, area, coverage, or off-street parking and is defined further below and in Section 8 of these regulations.

Nonconforming Lot: A lot whose area, dimensions or location was lawful prior to the adoption, revision or amendment of this ordinance, but which would be prohibited or further restricted under the terms of this ordinance.

Nonconforming Use. A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is located.

Nonconforming Buildings or Structures. Nonconforming buildings or structures shall be deemed to include any building or structure, designed and constructed primarily for a use permitted in the district in which it is located, that does not comply with the

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relevant regulations governing height, area, setback, etc. Only a building or structure that is both non-complying and devoted to a nonconforming use shall be regulated as a nonconforming use.

Parcel: A lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development, which conforms to minimum lot requirements.

Parking Lot. An area devoted to off-street parking of five or more vehicles on any one lot for public or private use. For purposes of these regulations, the terms "parking lot" and "parking area" are equivalent.

Parking Space: Size of Off-Street Parking Space. The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine feet wide by 18 feet long plus adequate area for ingress and egress.

Passenger Vehicle, Car, Passenger Van, Pickup Truck or Motorcycle: A vehicle that is licensed for use on public streets; is designed primarily for the transportation of people as opposed to equipment, freight or other vehicles; and is sold primarily to individuals for personal use. This includes automobiles commonly referred to as coupes, sedans, hatchbacks, station wagons, and convertibles, and other vehicles commonly referred to as minivans, passenger vans and pickup trucks. Vehicles which would otherwise meet this definition but which have had modifications to the interior of the vehicle, such as a full size van or minivan that has had the seats removed to allow the carrying of cargo, shall be deemed to be included within this definition. Vehicles which would otherwise meet this definition but which are carrying useful items commonly found in residential areas, such as ladders, saw horses, or building materials, shall be deemed to be included within this definition. Pickup trucks and vans which would otherwise meet this definition but which have had accessories, such as racks, storage boxes or shells, added to the vehicle shall be deemed to be included within this definition provided that the original exterior walls of the vehicle remain intact. Vehicles which would otherwise meet this definition but which have had external modifications to the structure or body, but not including cosmetic changes or common vehicle accessories, shall be deemed to be excluded from this definition. Vehicle modifications which are specifically excluded from this definition include aerial buckets or platforms (e.g. "cherry pickers"), welding equipment, and mechanical lifts or arms designed to assist in loading and unloading freight. Vehicle types which are specifically excluded from this definition include, but are not limited to, step vans, box vans, flatbed trucks, buses, semi-tractors and trailers, former military vehicles, cement mixers, construction equipment, and any vehicle with dual rear axles.

Permanent Foundation: A continuous, permanent masonry foundation or poured concrete wall, un-pierced except for required ventilation and access, in compliance with the Building Codes.

Plat. A map, plan or layout of a city, township, section, or subdivision, indicating the location and boundaries of individual properties.

Planning Commission. The City of Eudora Planning Commission.

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Premises. A parcel together with all buildings and structures thereon.

Recreational Vehicle: A vehicular-type unit which is built on a chassis or for use on a chassis; is designed primarily as temporary living quarters for recreational or travel use; and has its own motive power or is mounted on or drawn by another vehicle. This definition shall be limited to vehicles originally manufactured and sold as recreational vehicles meeting the conditions listed above, limited to a folding camper trailer, a truck camper, a travel trailer, a fifth-wheel trailer, a motor home, or a motorized recreational vehicle; and minivans, full size vans or buses specifically modified to meet the three conditions listed above. This definition shall not include mobile homes or the tractor portion of a highway tractor-trailer. The exclusion of a highway tractor shall apply regardless of whether or not it was originally constructed with a sleeper unit or later modified for temporary living use.

Retail Sales and Service: Refers to the sale of commodities and services directly to customers, when such commodities and services are used or consumed by the customer and not purchased primarily for the purpose of resale. An establishment engaged in the sale or rental of goods and services.

Setback Line: The area designated within a lot or parcel where structures and other lot improvements are restricted by these regulations, or by a platted line.

Setback Line, Established: The distance extending across the full width or depth of a lot, the depth of which shall be measured between the building and the street line.

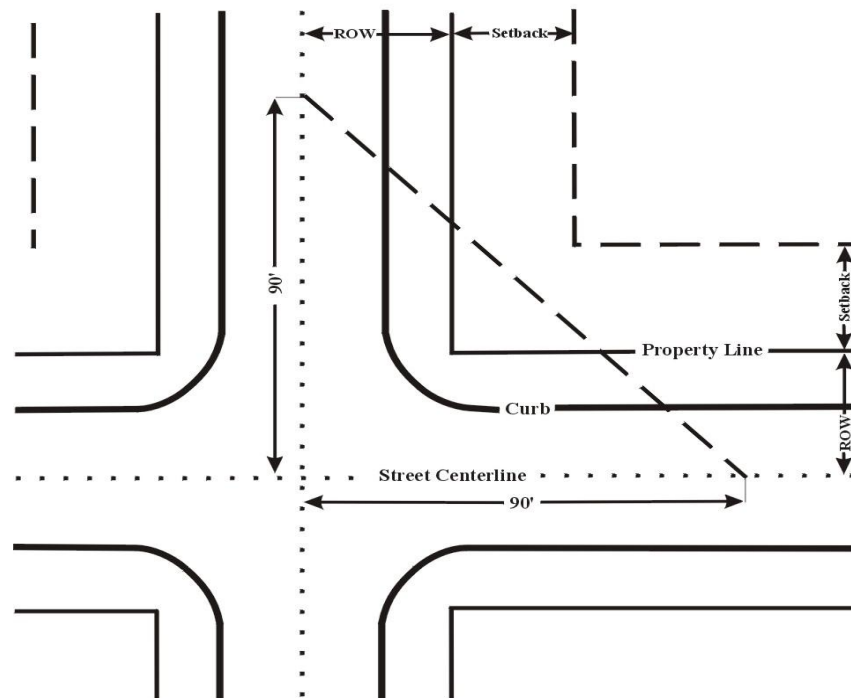
Setback Line, Front: The distance extending across the full width of a lot, the depth of which shall be measured between the required front line of the building and the street line.

Setback Line, Side: The distance extending across the full depth of a lot, the depth of which shall be measured between the required front lot line of the building and the street line.

Setback Line, Rear: The distance extending across the full width of a lot, the depth of which shall be measured between the required rear line of the building and the rear lot line.

Sign: Any object, device, display, or structure, or part thereof, that is used to advertise, identify, display, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Signs are accessory structures to the principal structure or use on a parcel.

Sight Triangle: An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2-1/2 feet and 8 feet above the grades of the outside edge of the street surface of the intersecting streets, measured from the point of intersection of the centerline of the streets, 90 feet in each direction along the centerline of the streets; except that, the consulting city engineer may establish greater sight triangles based upon standards in the policy manual published by the American Association of State Highway and Transportation Officials (AASHTO).

SECTION 2 – RULES FOR INTERPRETATION; DEFINITIONS**Figure 2 - Sight Triangle Minimum Standards**

Stockyard: A non-farm-based facility used or intended to be used for selling or holding livestock.

Street. Any public right-of-way other than an alley.

Street Line. The line separating the street right-of-way from the abutting property.

Street Network, Expressway: A street, which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function.

Street Network, Arterial: A street which provides for through traffic movement between and around areas with direct access to abutting property, subject to necessary control of entrances, exits and curb uses.

Street Network, Collector: A street, which provides for traffic movement between arterials and local streets, with direct access to abutting property.

Street Network, Local: A street, which provides direct access to abutting land and local traffic movement whether in business, industrial, or residential areas.

Temporary Portable Outdoor Storage Unit: A transportable, fully-enclosed, box-like container that is utilized in connection with a lawful principal or accessory use of the lot, designed for temporary storage of personal property household items, typically

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rented to owners or occupants of property for their temporary use, and delivered and removed by truck.

Total floor area: The square foot area of a building, including accessory buildings, measured from outside wall surfaces, and including garages, porches, utility rooms, stairways, recreation rooms, storage rooms, but excluding unroofed balconies and patios.

Trailer: Every vehicle without motive power designed to carry property and to be drawn by a motor vehicle.

Transitional Living Facility: A state licensed group-care home for juvenile delinquents, halfway houses providing residence, rehabilitation and counseling to persons on release from a more restrictive custodial confinement.

Travel Trailer: Every vehicle without motive power designed to be towed by a motor vehicle and designed and constructed to be used primarily for temporary living quarters for recreational purposes.

Truck Camper: means a detachable camping unit loaded onto, or affixed to the bed or chassis of an unmodified pickup truck or a detachable camping unit by itself.

Use Permitted on Review. A permit for certain uses specified in this Article issued by the city council, upon a recommendation of the planning commission, in accordance with these regulations.

Utility Trailer: A vehicle without motive power and containing only one (1) axle designed to carry property and to be drawn by a motor vehicle.

Variance: A variation from a specific requirement in this Ordinance, as applied to a specific piece of property, as distinct from zoning district amendment.

Vessel: A general term for any hollow structure made to float upon the water for purposes of navigation; especially, one that is larger than a common rowboat.

Watercraft: Any vessel or craft designed specifically and only for movement on the surface of the water, including boats and other small vessels.

Wind Energy Conversion System (WECS): A machine that converts the kinetic energy in the wind into a usable form commonly known as a wind turbine or windmill). The WECS includes all parts of the system except the tower and the transmission equipment.

Wireless Communication Facility: Comprehensive term describing the facilities covered by the location/design guidelines of these regulations including the following terms as defined herein: antenna, antenna array, equipment shelter, guyed tower, lattice tower, location, monopole, site, support structure, and tower.

Yard, Front. An open space extending the full width of a lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere herein. On corner or external lots with street frontage of equal

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dimensions, the owner may choose either street frontage as the front yard, so long as the minimum requirements of this Article are observed.

Yard, Rear. An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Article.

Yard, Rear-Side. An open space extending from the side yards to the rear lot line and the rear yard to adjacent side yard lot lines, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Article.

Yard, Side. An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Article.

Yard, Side, Exterior. On a corner lot, a side yard abutting on a street.

Yard, Side, Interior. A side yard other than an exterior side yard.

Zone or District: A section of the Zoning Area for which uniform regulations governing the use, height, area, size, and intensity of use of structures, land, and open space are herein established.

Zoning Area: The area to be zoned as set out on the official Zoning Map filed of record.

Zoning Districts Map. A map or maps outlining the various zoning district boundaries of the City of Eudora.

Zoning Regulations: The term “zoning regulations” or “these regulations” shall mean the requirements stipulated in the regulations herewith attached, and shall mean the lawfully adopted zoning ordinances of the City of Eudora.

16-203 Application of Regulations.

- (1) No building or land shall hereafter be used or occupied, and no land shall be disturbed, and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.
- (2) Where an application to the City of Eudora is required in this Article, such application shall be completed on official City of Eudora application forms.
- (3) No building shall hereafter be erected or altered:
 - (a) To exceed the height;
 - (b) To accommodate or house a greater number of facilities;
 - (c) To occupy a greater percentage of lot area; or
 - (d) To have narrower or smaller rear yards, front yards, side yards, inner or outer courts, than is specified therein for the district in which such building is located.

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- (4) The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall riding academies, living or boarding stables or dog kennels be so considered as agricultural uses.
- (5) A residential garage may not house and store more than one truck or commercial vehicle which exceeds two tons of capacity as rated by the manufacturer.
- (6) An existing parcel of land which is defined to be a lot need not be platted nor coincide with platted lines.
- (7) No change of the land surface, including removing vegetative cover, excavation, filling, grading, and the construction of any structure shall be allowed without receipt of a Land Grading Disturbance Permit from the Codes Administrator.
- (8) Mobile homes and manufactured homes that are not residential-design manufactured homes are considered nonconforming uses if located in other than a conforming manufactured home park: refer to Section 4, *Additional Regulations*.
- (9) A half-story containing a separate dwelling unit shall be counted as a full story for the purpose of height regulations.
- (10) On corner lots, the rear yard shall be opposite and most distant from the front yard.
- (11) If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are lots of record at the effective date of the adoption of this Article and if all or part of the lots with no dwellings do not meet the requirements established in the district for lot area and width, the lands involved shall be considered to be an undivided parcel and lot of record for the purpose of this Article and no portion of the parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Article. Such parcel may be built upon provided all of the requirements of the zoning district are met or variances are granted.

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16-301 RA – Residential Agriculture District.

- (1) General Description: The purpose of this district is to provide for agricultural and related uses; and to preserve and protect agricultural resources.
- (2) Uses Permitted:
 - (a) A single-family home used in conjunction with a permitted use in the RA District.
 - (b) Farming, dairy farming, livestock, poultry raising, game birds, pasturing of livestock, and all uses commonly classed as agricultural, with no restrictions as to operation of such vehicles or machinery as are customarily incidental to such uses and with no restrictions as to the sale or marketing of products raised on the premises, provided that any building, structure or yard for the raising, feeding, pasturing, housing or sale of livestock or poultry shall be located at least 100 feet from any residential district designated by an R in the title (e.g., RS, RT, RM, RE, or planned residential districts); and further provided that there shall be no feeding or disposal of garbage, rubbish or offal, other than regular removal, within 300 feet of any residential district designated by an R in the title (e.g., RS, RT, RM, RE or planned residential districts).
 - (c) Fish hatcheries, apiaries, aviaries.
 - (d) Fishing lakes and picnic groves provided no concession or retail sales shall be permitted.
 - (e) Forests and wildlife reservations, or similar facilities.
 - (f) Fur farming for the raising of fur bearing animals, excluding skunks and civet cats.
 - (g) Mushroom barns and caves.
 - (h) Nurseries, greenhouses and truck gardens.
 - (i) Accessory uses, including repair shops, sheds, garages, barns, silos, irrigation wells and pumps, bunk houses, incidental dwellings, buildings and structures customarily required for any of the above uses.
- (3) Use Permitted Upon Review:
 - (a) Any use permitted in the RS District.
 - (b) Concrete batching plant.

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- (c) Quarries, mines, sand and gravel pits, or excavations for the purposes of removal, screening, crushing, washing, or storage of ore, clay, stone, gravel, or similar materials.
 - (d) Gas, Oil and Mineral Extraction.
 - (e) Adaptive reuse of an existing non-residential structure; provided that, the new office/institutional use shall not rely on customers to visit the site as its primary business activity.
- (4) Area Requirements including minimum lot width, depth, size, setbacks and height are in Table I of this Article.
- (5) Building on Unplatted Land: A building permit for a residential or nonagricultural building in this district will not be issued until a plot plan showing the proposed building and the land areas to be set aside to accommodate the proposed building is submitted and approved by the Planning Commission. Such plot plan may delineate a tract of land which is part of a larger ownership without the filing of a plat, provided the delineated tract is accurately tied to a section or quarter section corner, and has access to a public street, road or highway. This delineated tract shall be entered on the official zoning map of the city and shall be considered the same as a platted lot for purposes of regulating permits on adjacent land. The owners of tracts abutting an existing road, street or highway which has less than city standard width shall present a warranty deed to the city for that amount of right-of-way necessary to comply with the city standards prior to the issuance of the building permit.

16-302 RS – Residential Single-Family District.

- (1) General Description: This is the most restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.
- (2) Uses Permitted:
 - (a) Detached single-family dwellings.
 - (b) Accessory buildings and uses customarily incidental to the above uses, including a private garage, all being located on the same lot and not involving the conduction of a business other than herein authorized.
 - (c) Home occupation subject to special conditions in Section 7 of this Article.
 - (d) Garden or agricultural crops but not for the raising of livestock.
 - (e) Temporary buildings for use incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work.
 - (f) Churches, subject to Special Condition in Section 7 of this Article.
 - (g) Nursery school or child day care center accommodating no more than 15 children at any time on the premises.
- (3) Uses Permitted Upon Review: The following uses may be permitted on review in accordance with provisions contained in Section 6 of this Article.
 - (a) Public park or play area.
 - (b) Public or private school.
 - (c) Golf club.
 - (d) Municipal use, public building and public utility.
 - (e) Mausoleums or crematories for disposal of the human dead.
 - (f) Nursing home.
 - (g) Radio and television towers, and microwave towers.

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- (h) Adaptive reuse of an existing non-residential structure; provided that, the new office/institutional use shall not rely on customers to visit the site as its primary business activity.
- (4) Area Requirements including minimum lot width, depth, size, setbacks and height are in Table I of this Article.

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16-303 RT – Residential Two-Family or Duplex District.

- (1) General Description: This residential district is intended to provide an area for medium density housing as provided for in the Land Use Plan. The principal use of land is for two-family dwellings, duplexes, and other normal accessory uses usually associated with a residential neighborhood.
- (2) Uses Permitted:
 - (a) Single-family dwellings developed under the standards established in the RS District.
 - (b) Any other use permitted in the RS District.
 - (c) Two-family dwellings or duplexes, excluding units with separate or separable fee-simple ownership, unless UPUR-approved.
- (3) Uses Permitted Upon Review:
 - (a) Any use permitted on review in the RS District may be permitted on review in accordance with provisions contained in Section 6 of this Article.
 - (b) Two-family dwellings or duplexes with units that are or may be separately owned in fee simple. Fee simple ownership of individual dwelling units may be permitted provided that:
 - (I) Easements are dedicated and separate utilities are provided to each unit in the duplex;
 - (II) Lots meet or exceed the minimum 3,750 sq. ft. per dwelling unit; and
 - (III) Existing subdivisions are replatted as a condition of use permit approval.
 - (c) Adaptive reuse of an existing non-residential structure; provided that, the new office/institutional use shall not rely on customers to visit the site as its primary business activity.
- (4) Area Requirements, including minimum lot width, depth, size, setbacks, and height are in Table 1 of this Article.

16-304 RM – Residential Multifamily District.

- (1) General Description: This residential district is intended to provide for multiple family developments which may have a relatively intense concentration of dwelling units served by large open spaces including common areas and facilities. The principal use of land may be multiple family dwellings.
- (2) Uses Permitted:
 - (a) Any use permitted in the RS District developed under the standards established in RS.
 - (b) Two family dwellings, duplexes, developed under the standards established in the RT District; or a single-family and garage apartment.
- (3) Uses Permitted Upon Review:
 - (a) Any use permitted on review in the RS District may be permitted on review in accordance with provisions contained in Section 6 of this Article.
 - (b) Townhouse.
 - (c) Multifamily dwellings.
 - (d) Manufactured Home Park.
 - (e) Accessory buildings and uses customarily incidental to the above uses.
 - (f) Adaptive reuse of an existing non-residential structure; provided that, the new office/institutional use shall not rely on customers to visit the site as its primary business activity.
- (4) Area Requirements. Minimum requirements, including minimum lot width, depth, size, setbacks and height, and a minimum of one-acre parcels for multifamily development, are in Table I of this Article.

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16-305 RE – Residential Elderly Housing District.

- (1) General Description: This residential district is intended to provide appropriate sites for the development of elderly housing opportunities and related facilities in locations convenient to Eudora's public facilities, shops and other needs of its senior citizens. The densities allowed in the district should provide for adequate light, air, privacy and open space for passive recreation and landscaped amenities. In addition, such developments in this zone should contain ample-sized meeting rooms and recreational facilities for the comfort and convenience of the occupants. This zone is designed to provide for the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons. The principal use of land may be for one or several building types ranging from elderly housing, congregate living facilities, residential retirement developments, life care facilities for elderly people and nursing homes.
- (2) Eligibility: Housing which qualifies for inclusion in this zone is a development providing living units specifically designed for the needs of elderly persons. To qualify as elderly housing, the total number of units located in the RE District must meet one of the following conditions:
 - (a) The units are intended for and solely occupied by persons 62 years of age or older per unit; or
 - (b) At least 80 percent of the units are intended for, and occupied by, at least one person 55 years of age or older per unit; or
 - (c) A unit is occupied by the surviving member(s) of a household, regardless of age if at least one person in the household met the age requirements of either 2(a) or 2(b) of this section, provided that person was a resident of the district at the time of that person's death; or
 - (d) A unit is occupied by the owner or management personnel, including a family, which has demonstrated an intent to provide housing services for persons 55 years of age or older.
- (3) Uses Permitted:
 - (a) Single-family dwellings.
 - (b) Two-family dwellings or duplexes.
 - (c) Townhouses as per Section 4 of this Article.
 - (d) Multiple family dwelling units.
 - (e) Nursing homes.
 - (f) Accessory buildings and uses, including without limitation:

- (I) Barber or beauty shop
 - (II) Curio or gift shop
 - (III) Food store
 - (IV) Pharmacy
 - (V) Restaurant, enclosed
 - (VI) Self-service laundry or dry cleaning which are customarily incidental to providing on-site services for residents and guests of the developments in the RE District.
- (4) Minimum Safety Standards: All structures shall be constructed to the following minimum safety standards, where appropriate.
- (a) An accessible route into and through the dwelling.
 - (b) All doors shall be of sufficient width to accommodate wheel chairs.
 - (c) All areas of public use shall have doors of sufficient width to accommodate wheel chairs.
 - (d) Wherever steps are located, ramps or elevators shall be provided in addition.
 - (e) Cooking units shall have no open flame.
 - (f) Emergency signal facilities shall be provided in each residential unit and shall register a signal at a central location.
 - (g) Electric outlets shall be located at least 24 inches above floor level; in general light switches, electrical outlets, thermostats and other environmental controls shall be located in accessible locations.
 - (h) Grab bars shall be located around all tubs and showers.
 - (i) Toilet areas shall be adaptable for the installation of grab bars; in general, the structure shall have reinforcements in bathroom walls to allow later installation of grab bars.
 - (j) All floor surfaces shall be nonskid.
 - (k) Central heating and air conditioning units shall be individually adjustable for each residential unit.
 - (l) Usable kitchens and bathrooms shall be constructed such that an individual in a wheelchair can maneuver about the space.
 - (m) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of this section, unless a more specific standard applies.

(5) Area Requirements: See Table 1

(a) Off-Street Parking:

- (I) One parking space per separate dwelling unit;
- (II) One parking space per six dwelling units for guest parking;
- (III) One parking space per three non-resident employees on the maximum working shift;
- (IV) One parking space for each 50 square feet of floor area used for assembly or recreation in the building;
- (V) One parking space for each 100 square feet of gross floor area in the building used for a restaurant exclusive of the area used for utilities and building service;
- (VI) One parking space for each 150 square feet of floor space in the building used for retail trade, or used by the public whichever is greater.

All Elderly Housing shall be approved as a POD.

(6) Platting Requirements

- (a) The zoning district amendment of property into the RE District shall be separate from the subdivision regulations of the city. Applicants must file a preliminary plat and a final plat. It is recommended that the subdivision process follow the zoning district amendment approval, but precede the approval of the site plan.
- (b) All development of structures shall occur on a single lot.
- (c) Once an initial final plat has been filed with the register of deeds by the city office, no resubdivision of any land in this district shall occur unless, prior to the application for resubdivision, the property in question has been rezoned out of the RE District. All such property which has been rezoned out of the RE District must meet all the use and area requirements of the district into which the property has been rezoned.

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16-306 C – Commercial District

- (1) General Description: A zoning district intended to allow the location of businesses supplying goods and services to the residents of the City.
- (2) Uses Permitted: Permitted uses in the C District include retail sales, personal service businesses, and facilities necessary to operate public services. When retail sales or personal service businesses involve the repairing of motor vehicles, such repairs shall be limited to incidental repairs to and replacement of parts and motor services for motor vehicles not exceeding 12,000 pounds gross weight and licensed recreational vehicles of any size, which work uses parts and goods in stock and sold on the premises. Vehicles parked outside and awaiting service shall be considered as outdoor storage, and therefore shall be screened from public rights-of-way and from neighboring properties.
- (3) Uses Permitted Upon Review:
 - (a) Commercial Planned Overlay Districts as regulated by Section 3 of this Article.
 - (b) Facilities necessary to operate public services.
 - (c) Wireless Communication Facilities.
 - (d) Outdoor sales and display as an accessory use.
 - (e) Convenience food establishments.
 - (f) Pawnshops (subject to conditions).
- (4) Accessory Uses in the C District.
 - (a) Outdoor sales and display as an accessory use and meeting the following conditions:
 - (I) Such activities shall be at least 200 feet from any residentially zoned property unless separated by an arterial street.
 - (II) Such activities shall be limited to those items which require an out-of-doors location, such as, by way of example, living plants, automotive fuel, and any item which because of large volume or weight is more easily housed out-of-doors and is more convenient to the purchaser in an outdoor location, such as vending machines, salt, fertilizer, peat moss and cement, but not including items such as motor oil, fuel additives, batteries, or cartons or cases of soft drinks.
 - (III) On property located within this zoning district, temporary outdoor sales events may be conducted twice each calendar year for periods not to exceed ten days each without having to conform to the provisions of subsections (I) and (II) of this subsection. Such

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temporary uses are not subject to Use Permitted Upon Review approval but must not impair the enjoyment or value of adjacent property or impair the public health, safety, and welfare. Temporary outdoor seasonal sales of Christmas trees and farm produce as a principal use are regulated in Section 16-411.

- (b) Outdoor storage limited to the stockpiling of vehicles that must be licensed to be used on the public streets and highways of the state.
 - (I) Such storage shall be separated from residentially zoned property by at least 30 feet and from freeway rights-of-way by a distance of 600 feet.
 - (II) Outdoor storage may be located only in C zoning districts containing 20 acres or more in area.
- (5) Lot requirements and setbacks; building requirements; standards for specific uses.
 - (a) All new development in the C District and not in a POD shall require Site Plan Review.
 - (b) Lot requirements, setbacks and building requirements. All uses of whatever nature located in the C Commercial District shall be subject to the standards expressed in Table 1 subject to additional requirements, exceptions, and modifications set forth in this chapter. Development in this district shall not be allowed without public sewer and water.
 - (c) Landscaped area. Landscaping shall occupy at least the following minimum lot area:
 - (I) Lots adjacent to residentially zoned property, except a lot having an area of more than ten acres and developed as a POD: 30 percent.
 - (II) All other lots: 25 percent.
 - (d) Screening. Screening shall be provided as required in these regulations.
 - (e) Building exteriors. The exteriors of all other buildings located elsewhere in the C district shall consist of brick, stone, or glass, or any combination thereof, or a decorative material approved by the Planning Commission including, but not limited to, decorative masonry, but not including such things as plain basement block or metal. Exteriors of buildings in the C district for which a building permit had been issued are exempt from this requirement, as are additions to any such buildings.
 - (f) The Planning Commission shall be responsible for reviewing building designs and exterior materials and for making recommendations regarding building designs and exterior materials with regard to all buildings governed by this subsection and shall be responsible for

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reviewing and making recommendations concerning alternate exterior materials.

- (g) Business permitted in this district shall be conducted in a building, with the exception that permissible accessory uses and drive-through facilities as regulated by this division shall be permitted.
- (h) Minimum building size. The minimum building size allowed on a conforming lot in the C District shall be 3,000 square feet. The Planning Commission may, as a use permitted upon review, allow a building less than 3,000 square feet on an existing non-conforming lot.
- (i) Parking facilities. All parking facilities provided shall conform with the standards established in Section 16-501.
- (j) Loading facilities. Loading facilities shall meet the standards set forth in Section 16-501.
- (k) Access. Lots of less than five acres in area shall not receive access directly from any arterial street.
- (l) Planned Overlay Districts. Any development consisting of one or more lots owned or improved by the same person simultaneously and designed or required to contain at least 50,000 square feet of floor area shall be developed as a Planned Overlay District. Any such development containing less than 50,000 square feet of floor area may be developed as a Planned Overlay District if specifically requested by the developer.
- (m) Convenience food establishments. All portions of convenience food establishments shall be set back at least 300 feet from residentially zoned property as measured from the nearest property line or across an arterial or collector street from such property.
- (n) Pawnshops. In addition to standards otherwise set forth in this section, a pawnshop must also comply with the following standards.
 - (I) The business must be properly and currently licensed pursuant to the provisions of
 - (II) The business or premises shall not be located within 750 feet of any premises currently licensed in, or within 750 feet of any licensed day care facility, private residence, house of worship, school, play ground, park, library, or other community recreational center or facility, or any other pawnshop. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the lot containing or to contain the pawnshop to the nearest point of the lot containing one of the uses mentioned.
 - (III) No pawnshop may be located in or on any building, premises, or lot already containing a pawnshop.

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16-307 DC – Downtown Commercial District

General Description: A zoning district intended to allow commercial and mixed uses and services compatible with the historic downtown of the City. The district is generally located between 7th and 9th Streets, on the north and south, and Elm and Maple Streets on the east and west. Area requirements for the DC District are located in Table 1 of this article.

- (1) Uses Permitted: Permitted uses in the DC District include retail sales uses customarily found in downtown districts and not in conflict with retail stores and services listed below; and residences on second stories of commercial structures; and reconstruction of any existing building, structure, or improvement that is damaged by fire, explosion, act of God, or the public enemy through no fault of the property owner, provided that the reconstruction is to the previous use, along with any expansion allowed by this Section. No off-street parking is required for commercial uses.

Antique Shop	Jewelry or Notion Store
Artists' Materials	Key Shop
Supply Studio	Laundry
Arts School, Gallery	Leather Goods Shop
Museum	Lodge Hall
Baby Shop	Medical Clinic and Services
Bakery Goods Store and Bakery	Musical Instrument Sales
Bank	Night Club
Book or Stationery Store	Office Business
Camera Shop	Optometrist Sales and Service
Candy Store	Pawn Shop
Catering Establishment	Pet Shop
Cultural Facilities	Recreation Center
Curio or Gift Shop	Restaurant, Enclosed (not providing service in automobiles)
Dairy Products or Ice Cream Store	Self-Service Laundry or Dry Cleaning
Dance Hall	Sewing Machine Sales, Instruction
Delicatessen	Shoe Repair Shop
Dress Shop, Clothing or Apparel	Sporting Good Sales
Florist Shop	Stock and Bond Broker
Funeral Parlor or Mortuary	Tailor Shop
Furniture Repair and Upholstery	Tavern
Furniture Store	Theater
Grocery Store	Toy Shop
Hardware Store	Variety Store
Hotel	
Interior Decorating Store	

- (a) Any other store or shop for retail trade or for rendering personal, professional, or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above.
- (b) No article or material stored or offered for sale in connection with uses permitted listed above shall be stored or displayed outside the confines of a building unless it is so screened by permanent ornamental walls,

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fences, or planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level; provided, however, that no screening in excess of seven feet in height shall be required, except automobile service stations engaged in the sale of gasoline and oil, where open display may be permitted of merchandise commonly sold by automobile services, i.e., oil, batteries, tires, wiper blades, etc. No permanent open display will be permitted on sidewalks or public rights-of-way.

- (2) Uses Permitted Upon Review: Any addition, enlargement, expansion, or extension of any existing use permitted in the RS District, and any infill development or redevelopment of a use permitted in the RS, RT, RM, and RE Districts, in accordance with the provisions contained in Section 6 of this Article.
- (3) Accessory Uses in the DC District: Same as C District
- (4) Lot requirements and setbacks; building requirements; standards for specific uses.
 - (a) All new development in the DC District and not in a POD shall require Site Plan Review.
 - (b) Lot requirements, setbacks and building requirements. All uses shall be subject to the standards expressed in Table 1 subject to additional requirements, exceptions, and modifications set forth in this chapter. Development in this district shall not be allowed without public sewer and water.
 - (c) *Landscaped area.* None
 - (d) *Screening.* None
 - (e) *Business to be conducted inside building; exceptions.* All business permitted in this district shall be conducted in a building, with the exception that permissible accessory uses and drive-through facilities as regulated by this division shall be permitted.
 - (f) *Minimum building size.* None
 - (h) *Parking facilities.* All parking facilities provided shall conform with the standards established in these regulations.
 - (g) *Loading facilities.* Loading facilities shall meet the standards set forth in Section 5 of these regulations.
 - (h) *Access.* Lots of less than five acres in area shall not receive access directly from any arterial street.
 - (i) *Planned Overlay Districts.* Any development consisting of one or more lots owned or improved by the same person simultaneously and designed or required to contain at least 50,000 square feet of floor area shall be

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developed as a Planned Overlay District. Any such development containing less than 50,000 square feet of floor area may be developed as a Planned Overlay District if specifically requested by the developer.

- (5) *Downtown Design Standards:* The purpose of this overlay district is to foster appropriate infill development, restrict inappropriate development and foster reuse/redevelopment of underutilized real estate while protecting the historic aspects of Downtown Eudora. In the DC District no building shall be erected that does not meet the following minimum standards:
- (a) Careful consideration of durable materials, proportions, and shapes, emphasizing the importance of roofs as integral and embracing elements of the over-all design, is particularly important. Building roof tops shall have at least the following features:
 - (I) Parapets concealing flat roofs and roof top equipment; and
 - (II) Overhanging eaves that reflect the design of neighboring structures.
 - (b) Roof mounted equipment, including ventilators and satellite dishes, shall be screened from view (100% opacity) or isolated so as not to be visible from ground level of any adjacent public thoroughfare or residentially-zoned area, up to a maximum of three hundred feet (300') away. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.
 - (c) Electrical and mechanical equipment located adjacent to the building and visible from any adjacent public thoroughfare or a residentially-zoned area shall be screened from view (100% opacity), up to a maximum of three hundred feet (300') away. Such screens and enclosures shall be treated as integral elements of the building's appearance.
 - (d) The form and proportion of new buildings or redevelopment shall be consistent or compatible with the scale, form and proportion of existing development in the downtown.
 - (e) Exterior Masonry Walls: Masonry walls create unique architecture that is not found in modern shopping centers. If these exterior walls are maintained and preserved, they help create a sense of identity for Downtown Eudora.
 - (I) Existing walls should be tuckpointed; all new mortar should match existing mortar color. Only one mortar color is allowed on each façade.
 - (II) Original ornamentation should be retained to the extent practicable.
 - (III) Masonry walls should not be covered with any siding material.

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- (f) Storefronts and Windows: Storefronts and windows help identify not only the goods and services provided at a particular location, but also provide a distinction between commercial and residential buildings. The use of the following guidelines allows for identification of businesses as well as provide natural light:
- (I) Existing wood storefronts should be repaired to their original design.
 - (II) If new construction occurs, the original design shall be followed if known.
 - (III) Storefronts shall be properly maintained and painted.
 - (IV) Tinted/reflective glass, plexi-glass and reflective film should not be prohibited in the Downtown area. Glass block should only be permitted when it was utilized within the original design.
- (g) Doors: Doors provide the first impression for the public. Modest restoration may increase the amount of pedestrian traffic entering any given retail facility. To minimize the clutter on a beautiful door, only a business name and address should be located on the door.
- (I) Original wood doors should be removed, restored and replaced. Any new doors should follow the original design.
 - (II) Solid metal core doors should be prohibited.
 - (III) Screen and storm doors should be prohibited on all commercial facilities, unless one was utilized with the original design of the structure.
- (h) Lighting: Lighting on the front of a structure should not only light a sign and provide safety, but rather accent entries and detail features.
- (I) Lights should be located in unobtrusive locations and not detract from the beauty of the building.
 - (II) All conduit should be concealed.
 - (III) Wall signs should be lit with an external source.
- (i) Awnings: Awnings provide patrons with protection from the elements identify businesses and serve as a unifying theme or element in the Downtown District. While awnings are not required, if utilized, the following design criteria should be followed.
- (I) Awnings shall have a trapezoidal profile with closed ends.
 - (II) Facades with multiple tenants or entrances shall incorporate individual awnings per tenant or entrance.
 - (III) Multiple storefront buildings require same size and style and color of awning.

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Downtown Development Graphics: The following graphics help provide a visual guide to good urban design in the Downtown district with regard to front and rear façade treatments, pedestrian linkages and public spaces.



Examples of inappropriate renovation include covering original facade with aluminum siding, boarding up of windows, inappropriate signage etc.



Restoration of original facades with awnings and sensitive landscaping restore character to the streetscape.

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16-308 I – Industrial District

- (1) General Description: The purpose of the Industrial District is to provide for the establishment of warehousing, manufacturing, and administrative office development. The overall character of the industrial district is intended to allow industrial development but to ensure that it is compatible with adjacent land uses, whether they be industrial, business or residential in nature. The method of ensuring such compatibility is by the imposition of performance standards which will lessen any potential detrimental effects of a particular industrial use.
- (2) Uses Permitted: The manufacturing, compounding, assembly, packaging, repair, testing, treatment, wholesaling, or storage of products, materials or equipment, and physical recreation or training facilities (such as, but not limited to, dance studios and health clubs), and administrative office facilities, and sexually oriented businesses, and pawnshops, and facilities necessary to operate public services, are permitted uses in the I District.
- (3) Uses Permitted Upon Review:
 - (a) Industrial Planned Overlay Districts as regulated in Sec. 16-310.
 - (b) Facilities necessary to operate public services.
 - (c) Adult Entertainment Establishments, provided that, no such use shall be in excess of twenty-five percent of annual gross receipts, or of inventory on hand at any time, or of its floor area at any time; and provided further, adult entertainment establishments shall comply with the following standards:
 - (I) The adult entertainment establishment must be properly and currently licensed pursuant to the provisions of city code.
 - (II) The adult entertainment establishment shall not be located within 750 feet of any premises currently licensed as such a use or within 750 feet of any licensed day care facility, private residence, house of worship, school, playground, park, library, or other community recreational center or facility, or any other sexually oriented business. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the lot containing or to contain the sexually oriented business to the nearest point of the lot containing one of the uses mentioned.
 - (III) The adult entertainment establishment shall not be located in or on any building, premises, or lot already containing a sexually oriented business.
- (4) Accessory Uses Permitted in the I District:
 - (a) Retail sales activities may be conducted within the I District under the following conditions:
 - (I) The retail sales activity is not located in an administrative office facility, but is located within a business, the principal use of which is

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not commercial sales.

- (II) The retail sales activity does not occupy more than 15 percent of the gross floor area of the occupied portion of the premises.
 - (III) The retail sales activity is accessory to the principal use.
 - (IV) No sign identifying the retail sales activity is visible from the outside of the building.
- (b) Outdoor storage, as regulated by this chapter, shall be permitted as accessory to the principal use on the lot.
 - (c) A dwelling unit for an on-site manager, caretaker, or security personnel which is attached to the principal building of a self-storage facility shall be permitted as accessory to the principal use on the lot. The dwelling unit shall be constructed in accordance with the Uniform Building Code and this chapter and shall have the same exterior materials as the principal building.
 - (d) Private antennas and towers in compliance with Section 11 of this article are permitted as an accessory use.
 - (e) All new construction not included in a Planned Overlay District shall require Site Plan Approval.
- (5) Lot Requirements and Setbacks; Building Requirements; Standards for Specific Uses.
- (a) *General standards.* All uses of whatever nature located in the Industrial District shall comply with the following standards, subject to additional requirements, exceptions and modifications set forth in this chapter. Development in this district shall not be allowed without public sewer and water.
 - (b) *Minimum lot size and Setbacks.* The standards expressed in Table 1 shall apply.
 - (c) *Screening.* Screening, as required in, shall be provided as follows:
 - (I) A buffer yard as described shall separate all lots from adjoining residentially zoned property sharing a common lot line.
 - (II) Outdoor storage must be screened from all lot lines.
 - (III) Parking lots shall be screened from residentially zoned properties.
 - (IV) Loading docks and garage entrances and exits shall be screened so as to minimize visibility from and from any residentially zoned property.

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- (d) *Building exteriors.* 30% of the facades of all buildings located in the I District shall consist of brick, stone, or glass, or any combination thereof, or an alternative decorative material approved by the Planning Commission, including, but not limited to, decorative masonry, but not including such things as metal or smooth-faced block.
 - (I) Exteriors of buildings in the I District for which a building permit had been issued as of the effective date of the ordinance from which this chapter is derived are exempt from this requirement, as are additions to any such buildings.
 - (II) The Planning Commission shall be responsible for reviewing building designs and exterior materials and for making recommendations regarding building designs and exterior materials with regard to all buildings governed by this subsection, and shall be responsible for reviewing and making recommendations concerning alternate exterior materials.
- (e) *Principal use to be conducted inside building.* The principal use shall be conducted within a building.
- (f) *Parking facilities.* All parking facilities shall conform with the standards established in Section 16-501.
- (g) *Loading facilities.* Loading facilities shall meet the standards established in Section 16-501.
- (h) *Access.* Lots in the I district shall receive access from the lowest classification street to which they are adjacent.
- (i) *Planned Overlay Districts.* No parcel of less than ten acres in area shall be developed as an industrial POD, except that a parcel as small as five acres in area may be developed as an industrial POD if the sole access to the parcel is from an arterial street.
- (j) *Environmental standards.* All of the performance standards contained in State regulations shall apply to all uses permitted in the I District. For any development located within 1,000 feet of residentially zoned property, the city may require a report, paid for and submitted by the applicant, from a city-approved testing firm, certifying that the proposed use will conform with environmental performance standards.

16-309 Flood Plain Overlay Districts.

- (1) General Description: The flood plain overlay districts consist of (FW) the Floodway and (FF) the Floodway Fringe.
 - (a) Floodway and Floodway Fringe district boundaries shall be the same as provided by the Federal Insurance Administration on the flood hazard boundary maps and in the flood insurance report. Actual ground location of Floodway and Floodway Fringe boundaries shall be located by the developer by field survey using the reference marks and vertical controls provided by the F.I.A. study.
 - (b) Where interpretation of floodway and floodway fringe boundaries are disputed, the codes administrator shall make the necessary interpretation. In cases where interpretation is contested, the board of zoning appeals, upon written application, shall resolve the dispute. The base flood elevation for the point in question shall be a governing factor in locating the district boundary on the land.
- (2) Uses Permitted: New construction districts, if they meet the following elevation requirements:
 - (a) Residential structures shall be constructed with the lowest floor, including basement, elevated a minimum of two feet above the base flood elevation; and
 - (b) Non-residential structures shall be constructed or flood proofed to a minimum of one foot above the base flood elevation.

16-310 POD – Planned Overlay District

(1) Purpose.

This district is established to provide a comprehensive procedure and standards designed to allow certain developments which are consistent with the spirit and intent of the city's comprehensive plan even though such developments fail to meet all of the dimensional requirements of other sections of this chapter. A Planned Overlay District (POD) is intended to allow variation from the strict literal provisions of this chapter, including, but not limited to, requirements relating to setbacks, height, floor area, dwelling type, floor area ratio, lot area, width, depth, and yards. If a proposed development is approved by the city as a POD as provided in this section, then the dimensions of the POD as approved shall be deemed to be in compliance with all of the dimensional requirements of this chapter, including setbacks, height, floor area, floor area ratio, lot area, lot width, lot depth, and yards.

A POD shall be voluntary or imposed by the City. A POD may be residential, business, industrial or mixed use in nature. A residential POD may allow all uses permitted in all the residential zoning districts and must be developed as a Use Permitted Upon Review within residentially zoned property. Developments with more than one type of dwelling must be developed as a POD. A commercial POD may allow all uses permitted in the C and CD zoning districts and must be developed as a Use Permitted Upon Review within property zoned C. An industrial POD may allow all uses permitted in the I zoning district and must be developed as a Use Permitted Upon Review within property zoned for industrial uses.

A POD is intended to result in a development in which the living or working environment is better than could otherwise have been achieved through strict enforcement of the dimensional requirements of other applicable sections of this chapter. A POD will not be permitted unless the landowner demonstrates that the development would be consistent with the spirit and intent of the city's comprehensive plan, that the development would be consistent with the spirit and intent of this chapter, and that the development would tend to accomplish the following objectives for PODs:

- (a) For any POD with a residential component, innovations to include within a single development a greater variety in type, design, and siting of dwellings to meet the growing demands for housing at various economic levels;
- (b) Higher standards of site and building design through the use of trained and experienced land planners, architects, and landscape architects;
- (c) The preservation and enhancement of desirable site characteristics such as natural topography and geographic features, and the protection of natural vegetation and water features;
- (d) An efficient use of land resulting in smaller networks of utilities and streets, hereby lowering housing costs and public investments;

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- (e) A development pattern in harmony with the objectives of the city's comprehensive plan; and
 - (f) A more desirable environment than would be possible through the strict application of the zoning and subdivision regulations of the city.
- (2) Planned Overlay District – Use of District and District Notations:
- (a) The Planned Overlay District must always be used in conjunction with one of the other zoning districts, known as the underlying district. The requirements of the Planned Overlay District shall be in addition to the requirements of the underlying district, and the Planned Overlay District may modify one or more of the regulations of the underlying district pursuant to the procedures set forth in this section.
 - (b) A Planned Overlay District shall correspond to the underlying district based on the following notation:

(3)

District	Planned District Equivalent
RS (Residential Single-Family)	RSPOD (Planned Residential Single-Family)
RT(Residential Two-Family)	RTPOD (Planned ResidentialTwo-Family)
RM (Residential Multi-Family)	RMPOD (Planned Residential Multi-Family)
C (Commercial)	CPOD (Planned Commercial)
I (Industrial)	IPOD (Planned Industrial)

- (4) Planned Overlay District – Relationship to Subdivision Regulations:
- (a) Except as otherwise provided, the use of the Planned Overlay District shall be separate from the subdivision regulations of the city and the development plans required by the Planned Overlay District shall not be construed as plats.
 - (b) Subdivision approval shall follow zoning district amendment and/or preliminary plan approval.
- (5) Preliminary Development Plan – Application Contents and Submission Requirements:
- (a) Application: An application shall include the following:
 - (l) An affidavit of ownership:

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- (i) If an application is filed by a landowner, an affidavit of ownership shall be submitted with the preliminary development plan.
 - (ii) If an application is filed by an agent of a landowner, an affidavit of the landowner establishing the agent's authorization to act on behalf of the landowner shall also be submitted with the preliminary development plan.
 - (iii) The affidavits required by this section shall be on forms provided by the city or in such form as is acceptable to the city and shall be submitted at the time of filing the application.
 - (II) A document containing the name, address and telephone number of all persons preparing any technical studies, maps, drawings, and documents submitted with the preliminary development plan.
 - (III) An accurate legal description of the property for which the application is submitted.
 - (IV) Any technical studies that may be required by the city. Examples of technical studies that may be required shall include, but not be limited to, traffic studies, engineering studies, geologic or hydrogeologic studies, flood studies, environmental impact assessments, noise studies, or surface water management/drainage studies. Notwithstanding the fact that the consulting city engineer did not require submission of a technical study in support of an application, either the Planning Commission or the governing body may require the submission of a technical study prior to taking action on the application.
 - (V) A statement regarding adequate public facilities and services for the proposed development. With a preliminary development plan the applicant shall submit proof of having reviewed the development proposal with applicable officials regarding public services and facilities not supplied by the city, including electric utility, school, highway, and street and road officials. Proof of this review shall be provided in a manner approved by the consulting city engineer. These forms shall provide an opportunity for applicable water, storm and waste water, fire, gas, electric, school and highway and street and road officials to provide comments on the existing and future availability and timing of services and facilities provided by their respective districts, agencies, or departments to the subject property.
 - (VI) A small key map with north arrow indicating the location of the property within the city, at a scale of one inch equals 1,000 feet or more.
- (b) Required Submittals:

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The following maps shall be submitted with the preliminary development plan application:

- (I) One or more maps (at a scale of one inch equals 100 feet or less) of the proposed development that includes the following:
 - (i) Existing and proposed grades or contours for the entire site at two-foot contour intervals taken from the city's aerial topographic maps or from an actual field survey;
 - (ii) Proposed location of different land uses;
 - (iii) Any land areas within the 100-year floodplain or a statement that no part of the site is within the floodplain;
 - (iv) General location of public streets, identifying arterials, and collectors and points of access to existing public rights-of-way;
 - (v) Existing and proposed water, sewer, and storm utility systems, including connections points to the existing systems;
 - (vi) Existing streams and other bodies of water;
 - (vii) Views within the site;
 - (viii) Vistas to and from the site;
 - (ix) Focal points and site amenities;
 - (x) Internal and external pedestrian and vehicular access points;
 - (xi) Physical barriers (including controlled access highways);
 - (xii) Proposed noise generation sources; and
 - (xiii) An analysis of the demand for water service and discharge into the sanitary sewer receiving system.
 - (xiv) One or more maps of the area within 200 feet of the subject property that contains the following:
 - 1. Any public streets;
 - 2. Street and traffic patterns affecting the site;
 - 3. Any drives that exist or that are proposed to the degree that they appear on plans on file with the city;
 - 4. Any buildings that exist or are proposed to the degree that their location and size are shown on plans on file with the city. Single and two-family residential buildings may

be shown in approximate location and general size and shape;

5. The location and size of retention basins, detention basins and drainage structures, such as culverts, paved or earthen ditches or storm water sewers and inlets; and
6. Surrounding uses and adjacent properties.

(ii) Each map submitted shall contain the following information:

1. Date of preparation, including the date of the most recent revision;
2. Name, address and telephone number of the person who prepared, or person responsible for preparing, the map;
3. Scale;
4. North arrow;
5. Location of property lines of the subject property, and any section or quarter section lines and benchmarks used for elevations shown in the plan; and
6. Existing land uses, structures, and public and private streets.
7. The preliminary development plan shall be stamped by the engineer preparing the plan.

(6) Preliminary Development Plan – Consideration:

- (a) Planning Commission Hearing. The Planning Commission shall hold a hearing to consider the preliminary development plan application. The recommendation of the Planning Commission on the preliminary development plan shall be forwarded to the governing body.
- (b) Governing Body Hearing. Following review and recommendation by the Planning Commission, the governing body shall review the application. The governing body may then approve, conditionally approve, or disapprove the preliminary development plan application. As a condition of approval, the governing body may designate itself as the entity that shall review the final development plan.
- (c) Criteria for Approval. The Planning Commission and governing body shall use the applicable zoning ordinance regulations as a guide for review of the preliminary development plan. If the governing body imposes conditions or restrictions on a preliminary development plan, it may designate specific requirements that must be met before an applicant may submit a final development plan application. In considering any

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preliminary development plan application, the Planning Commission and the governing body may give consideration to the criteria stated below, to the extent they are pertinent to the particular application. In addition, the Planning Commission and the governing body may consider other factors which may be relevant to a particular application.

- (I) The character of the neighborhood;
 - (II) The zoning and the uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses;
 - (III) The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations;
 - (IV) The length of time the property has remained vacant as zoned;
 - (V) The extent to which approval of the application would detrimentally affect nearby properties;
 - (VI) The extent to which the proposed use would substantially harm the value of nearby properties;
 - (VII) The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property;
 - (VIII) The extent to which utilities and services, including but not limited to, sewer, water service, police and fire protection, and parks and recreation facilities, are available and adequate to serve the proposed use;
 - (IX) The extent to which there is a need for the use in the community;
 - (X) The economic impact of the proposed use on the community;
 - (XI) The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to the zoning district regulations;
 - (XII) The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application;
 - (XIII) The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies; and
 - (XIV) The recommendation of professional staff.
- (d) Modification of Underlying District Regulations.

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- (I) Any plan proposing modification of any underlying district regulation shall be accompanied by a letter outlining the proposed modification(s) and the reason(s) therefore.
- (II) The Planning Commission may recommend, and the governing body may approve, a preliminary development plan that modifies one or more of the restrictions or regulations found in the zoning ordinance, including, but not limited to, density and minimum lot size requirements, dwelling type, floor-to-area ratios, design standards, required minimum public improvements, building materials and color, maximum structural heights, parking, landscaping, buffering and tree protection requirements.
- (III) A preliminary development plan that contains proposed modifications from one or more of the restrictions or requirements of the zoning ordinance, as authorized by this subsection, may be recommended for approval or approved, as the case may be, if the Planning Commission or governing body concludes that the development proposed by the preliminary development plan will provide sustainable value to the city, incorporates sound planning principles and design elements that are compatible with surrounding properties and consistent throughout the proposed project, effectively utilize the land upon which the development is proposed, and further the goals, spirit and intent of this chapter.
- (IV) No separate vote on proposed modifications is required by this subsection. It is the intent of this subsection that the Planning Commission and the governing body evaluate the proposed preliminary development plan to determine if, as a whole, it is consistent with the approval criteria set forth herein and the purposes of this chapter.

Residential Density Bonus Calculations

RM – Residential	10	1740 s.f. per dwelling unit
Multifamily*	15	1575 s.f. per dwelling unit
	20 or greater	1420 s.f. per dwelling unit
RE – Residential	10	2175 s.f. per dwelling unit
Elderly Housing**	15	1950 s.f. per dwelling unit
	20 or greater	1740 s.f. per dwelling unit

* One acre minimum site size continues to apply for any planned development where the RM District is the underlying district.

** 7500 square feet minimum site size continues to apply for any planned development where the RE District is the underlying district.

- (7) Preliminary Development Plan - Duration: Approval of the preliminary development plan shall be valid for one year from the date of its approval. Upon request of the applicant and approval by the governing body, the duration of approval may be extended for a period of not more than one year. The filing

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and approval of a final development plan for any phase of the area contained in the preliminary development plan shall extend the period of validity by an additional two years.

(8) Revised Preliminary Development Plans:

- (a) Requirement. Once a preliminary development plan has been approved, changes in the preliminary development plan may be made only after approval of a revised preliminary development plan.
- (b) Procedure for revised preliminary development plan applications
 - (I) An applicant who has received approval of a preliminary development plan may request approval of a revised preliminary development plan at least 10 working days prior to the scheduled consideration of the final development plan.
 - (II) When an application for a revised preliminary development plan is filed, city staff representatives shall determine whether the revised preliminary development plan involves substantial changes, and shall notify the applicant of the nature of the requested changes and of the procedure that applies to consideration of the application for a revised preliminary development plan. The determination of the staff may be appealed to the Planning Commission, whose decision shall be final.
- (c) Substantial Changes. Substantial changes, as defined in this section, to the approved preliminary development plan may be approved only by the governing body after review and recommendation by the Planning Commission. Approval of substantial changes to the approved preliminary development plan shall follow the procedure for original approval of the preliminary development plan.
- (d) Minor Changes. Minor changes to the approved preliminary development plan, as defined in this section, may be approved by the Planning Commission. Minor changes may be approved by the Planning Commission without a public hearing.
- (e) Limitation on Revised Development Plans. No more than two revised preliminary development plans may be approved that involve either minor changes, as defined in this subsection, or a reconfiguration of the building locations of the plan.
- (f) Definition of Substantial Changes. For purposes of this section, "substantial changes" to the approved preliminary development plan shall mean any of the following:
 - (I) Changes in the density or intensity of residential uses greater than 5 percent.

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- (II) Increases in the total floor area of all nonresidential buildings covered by the plan greater than 10 percent.
 - (III) Increases of lot coverage greater than 5 percent.
 - (IV) Decreases of areas devoted to open space greater than 5 percent, or the substantial relocation of such areas.
 - (V) Changes of traffic circulation patterns that will affect traffic outside of the project boundaries.
 - (VI) Modification or removal of conditions to the preliminary development plan approval.
 - (VII) Changes to the water or sanitary sewer plans that impact these utilities outside the project boundaries.
- (g) Definition of minor changes. For purposes of this section, "minor changes" to the approved preliminary development plan shall mean any of the following:
- (I) Increases in the density of residential uses of less than 5%.
 - (II) Increases of lot coverage of less than 5%.
 - (III) Decreases of areas devoted to open space of less than 5%.
- (h) Criteria for revised development plan. In determining whether to approve an application for a revised preliminary development plan, the Planning Commission or governing body shall apply the criteria set forth in this section. In the event that the application for the revised preliminary development plan is denied, the previously approved preliminary development plan will remain in effect.
- (9) Final Development Plan - When Required. Approval of a final development plan is required any time a preliminary development plan is required. No building permit shall be issued until a final development plan is approved. A final development plan application may be combined with a preliminary development plan application.
- (10) Final Development Plan – Application Contents and Submission Requirements:
- (a) The number of copies of the final development plan, as required by the Codes Administrator, together with any applicable fees, shall be submitted when required. One digital copy of the final development plan shall also be submitted. If not submitted with the Preliminary Development Plan, no Final Development Plan may be submitted until the Preliminary Plan is approved by the City Council. If revisions to a Preliminary Development Plan are requested no Final Development Plan

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maybe submitted until the revisions are approved or denied.

- (b) The final development plan shall be accompanied by the following supporting documents or materials:
 - (I) A document containing the name, address and telephone number of all persons preparing any technical studies, maps, drawings and documents submitted with the final development plan;
 - (II) An accurate legal description of the property for which the application is submitted;
 - (III) Any technical studies that may be required by the city;
 - (IV) A statement documenting the provision of adequate public services and facilities. At the time of submittal of a final development plan, the applicant shall submit to the consulting city engineer documentation of whether adequate public services and facilities are, or will be, available to serve the proposed development, including adequate water, sewer, fire, gas, electric, school services and highway and street and road facilities. If adequate public facilities and services are not presently available at the time of submittal of these applications, or are not planned to be available reasonably concurrent with the anticipated impacts of the proposed development, as determined by the affected utility company, agency or department, the application may be denied;
 - (V) A small key map with north arrow indicating the location of the property within the city, at a scale of one inch equals 1,000 or larger;
 - (VI) Deeds of dedication for all rights-of-way or easements required as a result of preliminary development plan approval, if conveyance thereof is not to be made by plat;
 - (VII) A copy of all covenants and restrictions applicable to the development, if required by the terms of the preliminary development plan;
 - (VIII) A storm drainage management system that complies with the City's adopted design requirements (provided that any such storm drainage management system shall be subject to approval by the consulting city engineer);
 - (IX) Evidence of the establishment of the agency for the ownership and maintenance of any common open space and all assurances of the financial and administrative ability of such agency, if required by the terms of the approved preliminary development plan; and
 - (X) Evidence of satisfaction of any conditions of the preliminary development plan approval that were conditions precedent to

consideration of the final development plan.

- (c) The final development plan shall consist of one or more maps that show the following:
 - (I) All proposed and existing adjacent public street rights-of-way with centerline location and right-of-way widths;
 - (II) All proposed and existing public street and public drive locations, widths, curb cuts and radii;
 - (III) Location, width and limits of all existing and proposed easements;
 - (IV) Location, width and limits of all existing and proposed sidewalks;
 - (V) Location, size and radii of all existing and proposed median breaks and turning lanes;
 - (VI) Distance between all buildings, between buildings and property lines and between all parking areas and property lines;
 - (VII) Location of all required building and parking setbacks;
 - (VIII) Location, dimensions, number of stories and area in square feet of all proposed buildings;
 - (IX) Area of land on plan in square feet or acres;
 - (X) The location of all oil and/or gas wells on the property;
 - (XI) Limits, location, size and material to be used in all proposed retaining walls;
 - (XII) Location and dimensions of all driveways, parking lots, parking stalls, aisles, loading and service areas and docks;
 - (XIII) Location, height, intensity and type of outside lighting fixtures for buildings and parking lots;
 - (XIV) Location, size, and type of material of all proposed monument or freestanding signs;
 - (XV) The location of adjacent developments, alignment and location of public and private driveways and streets, medians, and public and semi-public easements;
 - (XVI) Final storm water collection, detention and erosion control plans;
 - (XVII) Final analysis of the capacity of the existing sanitary sewer receiving system; and

- (XVIII) Final water and sanitary sewer plans.
- (d) Each map submitted shall contain the following information:
- (I) Date of preparation, including the date of the most recent revision;
 - (II) Name, address and telephone number of the person who prepared, or person responsible for preparing, the map;
 - (III) Scale;
 - (IV) North arrow;
 - (V) Location of property lines of the subject property, and any section or quarter section lines and benchmarks used for elevations shown on the plan;
 - (VI) Finished grades or contours for the entire site at two-foot contour intervals taken from the city's aerial topographic maps or from an actual field survey; and
 - (VII) Existing land uses, structures and public and private streets.
- (e) One or more illustrations shall be submitted with the final development plan showing building elevations including the following:
- (I) Elevations of all sides of proposed buildings except for single and two-family residential buildings including notation indicating building materials to be used on exteriors and roofs;
 - (II) Size, location, color and materials of all signs to be attached to building exteriors;
 - (III) Location, size and materials to be used in all screening of rooftop mechanical equipment; and
 - (IV) Building sections.
- (f) One or more illustrations shall be submitted with the final development plan showing dimensions and areas of all floors within proposed buildings for which building elevations are required.
- (g) One or more illustrations shall be submitted with the final development plan showing landscaping and tree preservation.
- (h) One copy of the proposed plan, building elevations, landscaping and tree preservation plan shall be reduced onto 8 1/4-inch by 11-inch bond paper.
- (i) A final development plan application may also constitute and be

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considered to be a preliminary plat application provided said application complies with all applicable requirements of the Subdivision Regulations. If the applicant wishes to have the final development plan application also considered as a preliminary plat application, a written request therefore shall be submitted at the time of filing the application.

- (j) The final development plan shall be stamped by the engineer preparing the plan
- (11) Preliminary and Final Plat. The applicant may submit a Preliminary Plat for all of the development and a Final Plat for however much of the development is desired. Such plats must conform with the requirements of the subdivision ordinance and contain all of the information required therein for such plats.
- (12) Final Development Plan – Consideration:
- (a) The final development plan must be acted upon by the Planning Commission.
 - (b) Governing Body Approval. A final development plan shall be submitted for approval by the governing body only if approval of the preliminary development plan was conditioned upon the subsequent approval of a final development plan by the governing body, or in the case of an appeal of the Planning Commission determination. Following consideration of the final development plan, the governing body shall approve, approve with conditions, or disapprove the plan.
 - (c) Criteria for Approval. In determining whether to approve an application for a final development plan that contains changes from the preliminary plan, the Planning Commission or governing body shall apply the criteria set forth in these regulations applicable to a preliminary development plan application.
 - (d) Conditions on Approval. If the Planning Commission or the governing body attaches conditions to the approval of a final development plan, it shall designate specific requirements that must be met before issuance of a building permit. The governing body may delegate to the consulting city engineer the authority to determine whether the specifically prescribed conditions attached to the approval have been satisfied by the applicant. As a condition of approval, the applicant may be required to execute a development agreement that is satisfactory to both the applicant and the city.
 - (e) Approval of Preliminary Plat. In all cases where the applicant has requested that final development plan approval also constitute preliminary plat approval, the application shall be submitted for approval by the governing body following recommendation by the Planning Commission. The governing body may elect to approve the application as a final development plan, but not approve the application as a preliminary plat.

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- (13) Final Development Plan - Duration of Approval. Construction of a planned development, or the first phase of a planned development if phases are applicable, shall begin within one year from the date that final development plan approval is granted. One extension for no longer than one year may be granted by the governing body. If construction does not begin within one year or such period for which an extension has been approved, the final development plan shall expire and be voided.
- (14) Planned Development Standards. The following development standards shall apply to all development that occurs in a Planned Overlay District.
- (a) Allowed Uses. In any Residential Overlay District, unless otherwise restricted, any use permitted in residential zone shall be permitted. The uses permitted in a Commercial Planned Overlay District are those uses permitted in the C District. Industrial Planned Overlay Districts may contain any use permitted in the I District. Uses may be voluntarily restricted by the applicant, or restricted as a condition of approval of the preliminary or final development plan by the Planning Commission or governing body.
 - (b) Preservation of Natural Features. Mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. Abrupt changes in natural slope shall be avoided. Preservation shall be directed toward:
 - (I) enhancing the quality of new development,
 - (II) protecting the natural environment, and
 - (III) preserving the character of existing neighborhoods.
 - (c) Common Open Space Ownership. Such uses shall be dedicated to the public in subdivision tracts and easements, unless otherwise stipulated by the city council; and the subdivider shall attached to the plat affidavits of agreement to not petition against special assessment benefit districts for funding of maintenance services associated with the dedicated open space.
 - (d) Common Open Space Standards. A minimum of three percent of the gross area of every planned development containing 10 or more dwelling units shall be devoted to common open space for the use and enjoyment of the residents.
 - (I) The following areas qualify wholly or partially as common open space:
 - (i) Major Recreation Areas. The total area of an improved recreation area may be counted as common open space. An improved recreation area shall be at least 20,000 square feet in size and shall be linked to all dwelling units within the planned development by a continuous pedestrian circulation system of sidewalks or trails. A golf course may be used to satisfy a maximum of 50 percent of the common open space

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requirement.

- (ii) **Mini-Parks.** The total area contained in mini-parks that have a minimum dimension of 10,000 square feet and that include benches, playground apparatus, barbecue pits, fire rings or other approved recreational amenities may be counted as common open space.
 - (iii) **Recreational Buildings.** The area occupied by a multiple-use recreation building and its attendant outdoor recreation facilities, excluding a golf course, may be counted as common open space.
 - (iv) **Pedestrian Open Space System.** The total area contained in a continuous open space pedestrian system, not less than 10 feet wide, consisting of permanently maintained walks and trails leading to a natural amenity, recreation facility, park or commercial use and offering circulation that is separate from roads and streets and sidewalks adjacent to roads and streets may be counted as common open space.
 - (v) **Environmental Features.** If natural habitats of significant value or environmentally sensitive areas are determined to exist, the governing body may require the area so defined to be left in an undisturbed state or incorporated into the design of the planned development as a passive recreation area with a minimum of improvements. In either case, the total area contained therein may be counted as common open space.
 - (vi) **Detention Areas.** Open areas adjacent to detention facilities which are above the 100-year flood elevation and have a slope of 6:1 or flatter may be counted as common open space. Areas below the 100-year flood elevation may be used to satisfy up to 50% of the common open space requirement if the side slopes do not exceed 6:1, the total depth of the detention area is five feet or less, a trickle channel is provided and the bottom is graded to drain without ponding.
- (e) **Maintenance of Common Open Space.** Any common open space established by a final development plan shall be subject to the following requirements:
- (I) **Responsibility.** If not dedicated to the public and improved by a private association, an organization for ownership and maintenance of common open space shall be established and approved by the city as a condition of plat approval, which condition shall assure that such organization shall not be dissolved. Further, such organization shall not dispose of any private common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to

dedicate the common open space to the city. The conditions of any transfer shall conform to the final development plan.

- (II) Failure to Maintain. In the event that the organization established to own and maintain private common open space shall fail to maintain the common open space in a reasonable condition, the codes administrator shall serve written notice upon such organization, setting forth the maintenance deficiencies. The failure to correct such deficiencies within 30 days shall be deemed a violation of this zoning ordinance, subject to penalty and enforcement provisions.
 - (f) Phased Developments. At the time of preliminary development plan approval, the applicant may propose, or the city may require, that a phasing plan be submitted that sets forth the timing and sequencing of development among various types of uses or subgroups of uses or structures in the development.
- (15) Vested Rights in a Planned Overlay District:
- (a) For the purpose of single-family residential developments in a planned overlay district, development rights in such land use shall vest upon recording of a plat of such land. If construction is not commenced on such land within five years of recording a plat, the development rights in such shall expire.
 - (b) For all purposes other than single-family developments, the right to use land in a planned overlay district for a particular purpose shall vest upon the issuance of all permits required for such use and construction has begun and substantial amounts of work have been completed under a validly issued permit.

16-311 K-10 – Kansas Highway 10 Overlay District.

- (1) General Description: The purpose of this district is to promote the image that quality development occurs along the K-10 roadway. This is achieved by coordinating public enhancement with private development efforts, by guiding orderly, highly aesthetic development along the corridor and by establishing a uniform process for evaluating each development for compatibility. To this end, the district proposes design guidelines and design requirements with the following purposes:
 - (a) To guide both public and private development along the corridor.
 - (b) To enhance property values along the corridor.
 - (c) To create order among developments through enhancement of the landscape along the corridor.
 - (d) To develop a quality visual experience consistent with natural character of the existing corridor.
 - (e) To preserve and enhance the natural environment.
 - (f) To ensure positive visual quality and provide a memorable visual experience to users of the corridor.
 - (g) To coordinate intergovernmental influence along the corridor.
- (2) Use of the K-10 District: The Kansas Highway 10 Overlay District must always be used in conjunction with one of the other zoning districts, known as the underlying district. The requirements of the K-10 District shall be in addition to the requirements of the underlying district, except that the K-10 District may modify some of the regulations of the underlying district in specific situations. A K-10 District may be used in conjunction with any of the other zoning districts or with any combination of districts.
- (3) Uses Permitted: Any use permitted in the underlying zone shall be permitted. The uses permitted may be voluntarily restricted to the applicant, or restricted as a condition of approval by the Planning Commission.
- (4) Uses Permitted Upon Review: Any use permitted upon review in the underlying zone shall be permitted. The uses permitted upon review may be voluntarily restricted by the applicant, or restricted as a condition of approval by the Planning Commission.
- (5) Area Requirements:
 - (a) Lot Area, Lot Width, and Lot Depth: The lot area, lot width, and lot depth requirements provided for in the underlying zoning district shall be required.

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- (b) Yard Requirements: The yard regulations provided for in the underlying zoning district shall be required. Provided, however, the yard regulations must meet the following minimum standards with additional distance provided for actual building locations depending on the size and scale of the building:
 - (I) Setback Standards:
 - (i) Residential or industrial building: 75 feet from K-10 Highway, right-of-way.
 - (ii) Commercial building: 75 feet from the K-10 highway right-of-way with the building front facing K-10;
 - (iii) Parking setback standards will be 25 feet from the K-10 Highway right-of-way.
 - (II) Side Yards:
 - (i) 25 feet for all non-residential land uses.
- (6) Additional Design Guidelines: The following additional design guidelines shall apply to all structures constructed within the K-10 District:
 - (a) Architecture:
 - (I) Blank walls without doors and windows should not face the Kansas Highway 10 roadway.
 - (II) Mirrored and/or reflective glass on buildings will be designed to minimize glare onto the Kansas Highway 10 roadway.
 - (III) Painted advertising on structures is not permitted.
 - (IV) Signs on buildings are limited to company name or logo and address.
 - (V) Secondary structures will be architecturally compatible with the main structure.
 - (VI) Masonry (brick, stone, and stucco) is encouraged for detailing on buildings.
 - (VII) Additions to existing buildings will adhere to the setback standards contained in the district but additions that correct existing deficiencies to the setback standards will be allowed.
 - (b) Signage:
 - (I) One square foot of sign face per five linear feet of frontage on the Kansas Highway 10 roadway, up to a maximum of 75 square feet for business sites up to five acres; in larger projects or projects with

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multiple tenants, a larger sign consistent with the architectural scheme of the business park may be permitted.

- (II) Free standing pole mounted signs are not permitted on properties abutting the Kansas Highway 10 roadway.
 - (III) Flashing, moving, portable, or animated signs are not permitted in the district.
 - (IV) Billboards are not permitted by these district standards or by the City Sign Code.
 - (V) Gas signs may include gas grade advertising showing only three grades of gas on a maximum of 30 percent of sign face square footage.
 - (VI) Signs are limited to maximum of three colors and two letter styles.
 - (VII) No signs are allowed on top of buildings.
 - (VIII) There is a maximum of one sign facing the Kansas Highway 10 roadway.
 - (IX) Temporary real estate signs are permitted within the K-10 District and can show phone numbers and lot information.
- (c) Existing Vegetation:
- (I) 12" caliper trees and above may not be removed from the land, except to locate the proposed building.
 - (II) For every 10" caliper and larger tree removed, one replacement tree is required.
- (d) Lighting:
- (I) Lights should be non-glare, cut off fixtures with metal halide bulbs or other energy efficient lights.
 - (II) Light standards and fixtures in parking lots should be a maximum of 30 feet in height meeting a standard of 0.8 foot candles.
 - (III) Light sources should not be visible from the Kansas Highway 10 roadway.
- (e) Planting:
- (I) The following planting requirements, for each 50' of setback from the Kansas Highway 10 right-of-way and for each 100' of lot frontage onto the Kansas Highway 10 corridor shall apply:

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- (i) Two shade trees with a minimum 2.5" caliper.
 - (ii) Two ornamental trees with minimum 2" caliper.
 - (iii) Four evergreen trees with a minimum 8' height.
- (f) Parking:
 - (I) Bicycle parking will be provided in relationship with the entry to the building.
 - (II) Interior landscape islands will have a 10 foot minimum width and equal a minimum of eight percent of the total parking area.
 - (III) Interior landscape islands will be landscaped with shade trees, ornamental trees and low shrubs at appropriate locations.
 - (IV) Parking areas shall be screened from the view of both the Kansas Highway 10 roadway and also any adjacent unrelated land uses. Such berming and vegetation shall have a 42" minimum height on land, where there is little variance in elevation from the Kansas Highway 10 roadway and adjacent uses. Where there is a change in elevation on such land making a berm impractical, increased landscaping shall be used.
- (g) Roads:
 - (I) Reverse frontage roads (which locates the frontage road to the rear of the properties adjacent to Kansas Highway 10) will be encouraged.
- (h) General Requirements:
 - (I) Each lot shall have a minimum 20 percent landscape/open space area, exclusive of parking areas.
 - (II) Non-agricultural fencing may only be decorative in type.
 - (III) Loading docks, mechanical equipment, solar panels, waste storage, and product storage areas will not be located on the side of the building facing the Kansas Highway 10 roadway. If such equipment is located on the side visible from the Kansas Highway 10 roadway it will be entirely screened from view with walls that are consistent with the building's architecture or evergreen vegetation.
 - (IV) Satellite dishes will adhere to the building setback requirements and will be screened entirely from view with evergreen vegetation.
 - (V) If the proposed use involves product display, no elevated or tilted areas are allowed.

- (VI) Plans for development will identify existing or proposed facilities on adjoining property.

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16-401 Open Space

- (1) Open Space. The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in Section 3 of this Article.
 - (a) Open Space to Serve One Building. No open space or lot area required for a building or structure shall, during its life, be occupied by, or counted as open space for, any other building or structure.
 - (b) Projections into Yards. Open eaves, cornices, window sills, and belt courses may project into any required yard a distance not to exceed two feet. Open porches may project into a front or rear yard a distance not to exceed five feet.
 - (c) Street Right-of-Way Width. Where the dedicated street right-of-way is less than 50 feet, the depth of the front yard shall be measured at a starting point 25 feet from the center line of the street easement.
 - (d) Street Access for Dwellings. No dwelling shall be erected on a lot which does not abut on at least one street for at least 35 feet and have a width of at least 50 feet at the building line, unless otherwise excepted by these regulations. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if all other provisions of these regulations are complied with.
 - (e) Sight Lines at Intersections. On any corner lot on which a front and side yard is required, the designated sight triangle requirements shall be met. Additional restrictions for perimeter fencing shall also apply.
 - (f) Location of Attached Private Garage. An attached or detached private garage which faces on a street shall not be located closer than 25 feet to the street right-of-way.
 - (g) Time for Accessory Building Construction. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced and no accessory building shall be used unless the main building on the lot is also being used.
- (2) Area. No lot shall be so reduced in area that any required open space will be smaller than prescribed in the regulations for the district in which the lot is located. Whenever such reduction in lot area occurs, any building located on the lot shall not thereafter be used until such building is altered, reconstructed or relocated so as to comply with the area and yard requirements applicable thereto.

16-402 Height.

- (1) Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit.
- (2) Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one foot for each two feet by which the height of such public or semi-public structure exceeds the prescribed height limit.

16-403 Dwellings on Small Lots.

- (1) A dwelling and customary accessory structures may be erected on any single lot of record at the effective date of Ordinance No. 555, notwithstanding the limitations imposed by other provisions of this Article. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.
- (2) This provision shall not apply if the lot of record is located in the C or I districts.
- (3) All front, rear and side yard requirements shall be met unless varied by the Board of Zoning Appeals; except that, for interior lots located north of Twelfth Street, west of Ash Street, and east of Cedar Street, the side yard requirement shall be a minimum of five feet.

16-404 Swimming Pools. Private swimming pools may be constructed as an accessory use, but shall be within a yard secured by a perimeter fence no less than 6 feet in height, or alternatively, completely enclosed by a permanent wall or fence not less than four feet in height improved at a distance no closer than four feet from the edge of the pool; and shall meet the requirements of the city-county health department. A swimming pool shall not be constructed in front of the front building line and no portion of the pool, equipment, walkway, or other facilities related thereto, shall be located closer than 10 feet to the side or rear lot line.

16-405 Manufactured Home Park Regulations. There may be permitted in the RM District, on approval of the city council by a use permitted upon review permit in accordance with Section 6 of this Article, manufactured home parks subject to the following conditions and requirements.

- (1) The purpose of these regulations is to ensure and promote an acceptable living environment for occupants of manufactured home parks with manufactured home spaces, whether or not a charge is made for such spaces. Every manufactured home park shall comply with all other pertinent city and/or state regulations, together with all amendments thereto as may subsequently be adopted. No use shall be allowed other than those uses considered as an integral part of the planned manufactured home park as shown on the development plan.

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- (a) Location. A manufactured home park may be located upon any tract of land held under single ownership within the RM District.
 - (b) Size of Park. The minimum size of a manufactured home park shall be a minimum of five (5) acres and a maximum of 40 acres.
 - (c) Frontage. All manufactured homes within a manufactured home park shall front upon a private roadway within the park.
 - (d) Gross Density. The average gross density of a manufactured home park (including streets and sidewalks) shall not exceed six manufactured home spaces per acre.
 - (e) Access. A manufactured home park shall have access to arterial or major collector streets and no manufactured home space shall have direct access to a local residential public street.
 - (f) Off-Street Parking. A minimum of at least three (3) off-street parking space shall be provided for and be located on each manufactured home space. Parking will be allowed on one side of each roadway having a width of 30 feet.
- (2) Manufactured Home Park Plan. As part of the Use Permitted Upon Review Application, any applicant shall submit a manufactured home park site plan. Each site plan shall be drawn on the scale of one inch equals 50 feet. Each site plan shall show roads, buildings, public utilities, land use zoning, and other features outside the park within 300 feet of the exterior boundaries. The site plan shall conform with the following design requirements:
- (a) Drainage. The stormwater drainage system within the park shall be designed and constructed in accordance with the city's adopted design criteria and specifications.
 - (b) Natural Features: The design of the park shall preserve natural features such as ponds, large trees, out-croppings, etc., when feasible.
 - (c) Spaces. Each manufactured home park shall clearly define the manufactured home spaces, and such spaces shall not have an area of less than 4,500 square feet. There shall be a minimum distance of 30 feet between manufactured homes.
 - (d) Circulation. The interior circulation and access driveways to public streets shall be so designed as to promote the public safety. A turn-around, with a minimum radius of 50 feet, sufficient to accommodate emergency vehicles on the scale of ambulances and pumper trucks, shall be provided at the terminus of all dead-end roadways.
 - (e) Roadways. Internal roadways shall be provided and all manufactured home spaces shall face or abut on a roadway having a minimum width of 30 feet measured from back of curb to back of curb. Such roadways shall

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be designed and constructed in accordance with the city's adopted design criteria and specifications.

- (f) Sidewalks. Sidewalks at least five feet wide, leading from manufactured home spaces to service and recreational areas, shall be provided on at least one side of all streets within the park.
- (g) Lighting. Both roadways and sidewalks shall be adequately lighted. Roadways shall be lighted with a minimum of one street light at each roadway intersection and one street light at the end of each cul-de-sac which is 300 or more feet from a roadway intersection. These lights shall be a minimum of 1,000 lumens.
- (h) Setbacks and Landscaping. Manufactured homes shall be set back a minimum of 50 feet along the frontage of public streets and property lines of a major thoroughfare and a minimum of 25 feet from all private streets and rear lot (park space) lines. The 50 foot setback, or buffer zone, shall be planted with a mixture of trees and shrubs to provide a park-like appearance. The interior of the park shall have adequate grass, trees, and shrubs to provide a dust-deterrent shaded park-like atmosphere.
- (i) Office and Management. An area near the main entrance of the park shall be for office and management use only and shall provide accessory off-street parking equal to at least one parking space for every 40 home spaces within the park.
- (j) Facilities. Adequate provision shall be made for public water supply, sanitary sewers, fire protection, refuse collection and other necessary facilities to satisfy state and local codes, ordinances, and specifications. All water distribution and sanitary sewer system improvements shall be designed and constructed in accordance with the city's adopted design criteria and specifications.
- (k) Recreational Space. One or more recreational areas shall be provided and equipped with suitable play equipment and other recreational facilities. There shall be at least 250 square feet of developed recreation area per manufactured home space. Calculations of recreational space shall not include the setback requirements as specified in this Article.
- (l) Boat and Trailer Storage. Each manufactured home park shall provide screened areas for the storage of boats and trailers (travel, horse, or utility) with an aggregate of at least 100 square feet per manufactured home space. Boats, trailers, non-operational vehicles, and other vehicles and equipment not intended for use as daily transportation shall be stored or repaired only in the designated storage area. The storage area shall be located to minimize its impact on the park and adjacent areas and shall be screened by a combination of fencing and landscaping.
- (m) Garages, Carports and Outbuildings. Garages and carports may be allowed within the manufactured home park provided they conform to the requirements of a garage built on a typical residential lot. This includes,

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but is not limited to, submitting a site plan, obtaining a building permit, and meeting all building code requirements. Temporary garages, outbuildings, and other structures shall be prohibited.

- (n) Storm Shelter: Each manufactured home park shall include a storm shelter, to be constructed in accordance with the building code of the city, with a minimum of 20 square feet of open floor area per manufactured home space. The shelter shall include a parking area (exclusive of on-street parking) to provide a minimum of one-half parking space per manufactured home space.
- (3) Nonconforming Manufactured Home Parks. Any manufactured home park, in existence at the time that this Article is enacted, that does not conform with the regulations and special conditions as established in subsections (1) and (2) of this section shall be deemed a nonconforming manufactured home park and shall be permitted to continue as such under the provisions of this Article. Additionally, when any mobile home or manufactured home, that occupies any manufactured home space within any nonconforming manufactured home park, is removed from the nonconforming manufactured home park, it may be replaced only with a manufactured home. However, use as nonconforming manufactured home park shall be deemed abandoned if its use is discontinued or if its normal operations cease for a period of 30 days. In the event that a nonconforming manufactured home park is deemed abandoned, the use of the land thereof shall thereafter conform to the district within which it is located. In all other respects, a nonconforming' manufactured home park is governed by the general rules governing nonconformance as set forth at Section 8 of this Article. Any reconstruction or repair of a non-conforming manufactured home park or subdivision or any expansion of a manufactured home park or subdivision and a nonconforming manufactured home park or subdivision shall meet the following criteria prior to the placement of a manufactured home on the site:
 - (a) Stands or lots elevated on compacted fill or on pilings so the lowest floor of the manufactured home will be at or above the "base flood" elevation.
 - (b) Adequate surface drainage and access for a hauler are provided.
 - (c) In the instance of elevation on pilings:
 - (I) Lots shall be large enough to accommodate steps;
 - (II) Piling foundations shall be placed in stable soil no more than 10 feet apart; and
 - (III) Reinforcement shall be provided for pilings more than six feet above the ground level.
- (4) Placement of manufactured homes in the floodway. Manufactured home parks shall not be placed within the adopted regulatory floodway.
- (5) All manufactured homes, wherever they may be located within the city limits, shall be anchored to resist flotation, collapse, or lateral movement by providing

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over-the-top and frame ties in accordance with the requirements of the State of Kansas, as established at K.S.A. 75-1226, *et seq.* All manufactured homes that are to be located within any Floodway Overlay District or within any Floodway Fringe Overlay District shall comply with those additional requirements set forth in these regulations.

- (6) Nonconforming mobile homes and manufactured homes. All mobile homes and manufactured homes that are not residential-design manufactured homes shall be considered nonconforming uses if located in other than a conforming manufactured home park. Such nonconforming uses of mobile homes and manufactured homes shall be subject to the following requirements:
 - (a) When removed from its existing site, such nonconforming use may be replaced only by a site-built structure or residential-design manufactured home in compliance with all requirements of these regulations, including minimum lot setbacks, and all applicable Building Codes.
 - (b) Except that, in the case of a nonconforming use of an existing manufactured home, such use may be replaced one time by a manufactured home, provided that minimum lot requirements of these regulations are met; and provided further, the replacement manufactured home is no more than five years old.
 - (c) When such a nonconforming use is removed from a C or I zoning district, it may be replaced only by a conforming site-built structure.

16-406 Accessory Buildings. An accessory building may be erected as a detached structure from the principal building, or it may be connected therewith by a breezeway of similar structure.

- (1) Location. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Article applicable to the main building. Unless so attached, an accessory building in a residential district shall be located to the rear of the front building line and at least four (4) feet from any dwelling existing or under construction on the same lot. No accessory building shall be located closer than fourteen (14) feet to the center line of an alley. No accessory building shall be located closer to any front or side lot line than the yard requirements provide for that zoning district.
- (2) Maximum Rear Yard Coverage. Accessory buildings shall not exceed 30 percent of the area of the rear yard. Garden shelters, storage shelters, and covered patios shall be permitted as accessory buildings provided that these uses are not equipped for use as living quarters.
- (3) Maximum Height. Accessory building shall not exceed one (1) story. Height cannot exceed the main structure or fifteen (15) feet. Height measured from grade to top of roof.

16-407 Antennas and Satellite Dish Antennas. The purpose and intent of the following regulations on residential antennas and satellite dish antennas is to build, preserve

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and enhance such community values as the general appearance of neighborhoods, particularly those of residential character. Separate regulations for “Wireless Communication Facilities” apply as prescribed elsewhere in this Article.

- (1) Purpose and Intent. These regulations are designed to preserve property values, prevent property damage, promote the health, safety and general welfare of all the city residents and property owners and to protect the legal rights of residents and property owners who reside and own property in areas where antennas are constructed.
- (2) Permitted Uses: Satellite dish antennas under 24 inches in diameter may be constructed as an accessory use in all zoning districts as a matter of right.

16-408 Exterior Storage in Residential Districts. All storage in any residential district must be contained within a building except for the following:

- (1) Construction and landscaping material currently being used on the premises.
 - (a) Off street parking of licensed and operable passenger vehicles and trucks not exceeding a class limit of 2,000 pounds when parked on paved surfaces as required by this ordinance.
 - (b) Items normally associated with outdoor residential activities or uses, such as, but not limited to, outdoor furniture and cooking equipment, neatly stacked firewood, and yard maintenance equipment.

16-409 Site Plan Review.

- (1) Purpose and Intent. The purpose and intent of site plan review is to encourage the compatible arrangement of buildings, off-street parking, outdoor lighting, landscaping, ingress and egress, and stormwater management on the site to promote safety and convenience for the public, and preservation of property values in the city.
- (2) When Required. The conditions and requirements of this section shall apply to:
 - (a) Nonresidential development proposals;
 - (b) Residential development proposals for three or more dwelling units; and
 - (c) Development proposals where site plan review is required in any other section of these regulations.
- (3) Permit Conditions. No building permit shall be issued for the erection or substantial alteration of a structure, building, parking lot, or the modification or addition of access drives until a site plan has been submitted and approved as set forth herein.
- (4) Procedure: Site plans shall be reviewed by city staff with applicants in meetings convened at mutually agreed to times and dates; and with public utility providers as directed by the city procedures manual. Once the proposed site plan is found to be ripe for consideration by the planning commission, it shall

be subject to the following procedures:

- (a) Site plans shall be submitted to the planning commission for review and shall be approved if found to be in substantial conformance with these regulations. If deemed to be in nonconformance, the planning commission may return the site plan to the applicant with recommended changes. The planning commission may approve the site plan with conditions, deny it, or defer it for further study.
 - (b) Any applicant adversely affected by a decision of the planning commission on a site plan, may appeal that decision to the city commission within 15 days of the planning commission's decision.
 - (c) The plan procedure may be waived if the proposed application meets the requirements of a minor site plan as described in Section 16-409(8).
 - (d) A site plan may be submitted to the planning commission with a request for zoning district amendment when required by paragraph 2 of this subsection. The planning commission shall review the site plan, and forward it to the city commission with or without conditions, along with its recommendation for the zoning district amendment request.
- (5) Site Plan Submittal Requirements:
- (a) A site plan shall be drawn at a scale of one inch equals 50 feet or larger, sealed by a registered design professional, and shall show:
 - (I) Boundaries and dimensions of the property and a written legal description, including all existing and proposed public easements;
 - (II) Topography at minimum two foot contour intervals;
 - (III) Location and dimensions of all utilities proposed to serve the development, including existing and proposed fire hydrants and water lines, sanitary sewer lines, and public utilities;
 - (IV) Preliminary storm water management study;
 - (V) Location and dimensions of all existing and proposed structures and parking areas, including ADA compliance and construction details, curb cuts, loading spaces, and public and private sidewalks, including connections of public walks to on-site private walks;
 - (VI) Location, dimensions and construction details of all drive approaches from public ways, internal driveways, radius of curb returns and top-of-curb elevations;
 - (VII) Existing and proposed landscaping of the site and any proposed buffers (fences, walls, retaining wall details, etc.);
 - (VIII) Proposed use of the site and the number of parking spaces required;
 - (IX) Locations of outdoor trash storage areas;
 - (X) Locations of outdoor lighting with a photometric study that includes off-site light spillage, light direction and amount of illumination; and
 - (XI) Any other information required as a condition of approval of the site plan.

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- (b) A preliminary storm water management study shall contain:
 - (I) Preliminary grading plan with contours and/or spot elevations showing existing and proposed drainage pattern on-site and 50 feet beyond;
 - (II) Floodplain locations and elevations;
 - (III) Storm sewer profiles, if applicable;
 - (IV) Storm drainage map showing the size (in acres) and outline of the drainage area tributary to each on-site or off-site inlet receiving runoff from the site;
 - (V) Storm drainage calculations that include drainage areas, runoff coefficients matched to storm frequency, rainfall intensity, storm frequency, runoff rate (cfs), and storm water conduit details, including size, slope and length;
 - (VI) Provisions for providing final stormwater management plans with building permit applications.
- (6) Time Limitations: An approved site plan shall be valid for a period of two years and shall become void if no building permit is obtained within that period. The planning commission may grant extensions if found to be in the public interest.
- (7) Improvement and Maintenance Guarantees:
 - (a) Improvement guarantees shall be provided to ensure the proper installation of improvements required by the site plan. These improvements shall include, without limitation as to other improvements but only if applicable to the particular site plan:
 - (I) Drainage Improvements.
 - (II) Parking Areas.
 - (III) Curb Cuts.
 - (IV) Loading Spaces.
 - (V) Sidewalks.
 - (VI) Landscaping maintenance guarantees.
 - (VII) Buffering (fences, walls, etc.).
 - (VIII) Parking Spaces.
 - (IX) Outdoor Trash Storage Areas.
 - (X) Outdoor Lighting Fixtures.
 - (b) As a condition of site plan approval, the applicant shall meet the requirements of Section 17-407 of the City of Eudora, Kansas Subdivision Regulations.
 - (c) In the event that the improvements are covered by an improvement guarantee required elsewhere by the city or by another governmental agency, as the case may be, no improvement guarantee shall be required under this section.
 - (d) The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by resolution of the planning commission.

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- (e) Upon substantial completion of all required improvements, the applicant may notify the city in writing of the completion or substantial completion of improvements. The city shall inspect all improvements of which such notice has been given. A detailed report shall be filed, in writing, indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection. The cost of the improvements as approved or rejected shall be set forth in the report.
 - (f) The city commission shall approve, partially approve, or reject the improvements on the basis of the detailed report prepared in (e). The city commission shall notify the applicant in writing of the contents of the report and the action of the city commission.
 - (g) Where partial approval is granted, the applicant shall be released from all liability except for the portion of improvements not yet approved.
- (8) Minor Site Plan Review
- (a) Purpose: The purpose of a minor site plan is to allow city staff review and approval of conforming non-residential renovations, for greater flexibility in the submittal requirements and review authority and schedule.
 - (b) When Applicable: A proposed renovation of a non-residential structure may be considered a minor site plan if the proposed addition does not exceed ten percent (10%) of the gross floor area of the existing building and meets all lot area requirements. A proposed renovation shall not be deemed a minor site plan, however, if significant modifications are proposed to parking lots or access drives.
 - (c) Submittal Requirements: The requirements for a minor site plan will be determined by staff in each individual case. However, the minimum requirements shall be as follows:
 - (I) Show the boundaries and dimensions of the property and contain the written legal description;
 - (II) Show the location and dimensions of all existing and proposed structures, parking areas, curb cuts, loading spaces and sidewalks;
 - (III) Additional items may be required if deemed necessary by city staff.
 - (d) Procedure: When a final site plan is submitted, the city staff may approve the site plan, approve it with conditions, deny it, or defer it for further study.
 - (e) Time Limitations: An approved minor site plan shall be valid for a period of one year from the date of approval and a building permit must be obtained within that period. The city staff may grant extensions to these periods when it believes that such an extension will serve the public interest.

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- (f) Improvement and Maintenance Guarantees: If public improvements will be required for the proposed development, the requirements of Section 16-409(7), Improvement and Maintenance Guarantees, shall be enforced.

16-410 Townhouse Subdivision Development

- (1) Purpose: The intent of the following provisions is to permit and regulate an alternative form of home ownership and development not provided elsewhere in these regulations.
- (2) Applicability: Townhouse units developed in accordance with this section may be conveyed along with the land underneath the particular unit and its associated lot provided that all of the land upon which the townhouse itself and its accessory appurtenances are constructed is conveyed in unity with the townhouse, and provided further that all land other than the individual townhouse sites is conveyed in common to all of the individual owners, to a duly constituted property owners' association or to the public pursuant to a subdivision action by the City Council.
- (3) The following municipal regulations apply to each townhouse subdivision development superseding any zoning district regulations to the contrary.
- (4) Townhouse subdivision developments shall be permitted in the following zoning districts: RM and RE, provided that the property has been platted to accommodate the development.
- (5) Overall Development Size: Shall be the same as required in the zoning district assigned to the property. However, each such townhouse subdivision development plan shall contain at least ten townhouse units. Phased development shall be constructed with no fewer than three townhouse units in each phase.
- (6) Density: The overall density of a townhouse subdivision shall not exceed the density allowed by the applicable zoning district.
- (7) Unit Locations: No townhouse unit shall be located closer than 20 feet to a street, nor closer than ten feet to any parking lot or driving aisle, nor closer than 15 feet to any overall project boundary.
- (8) Separation: No separation is required between individual townhouse sites or units within the same development, except that structures arranged in a linear form with a combined length in excess of 400 feet shall have a minimum separation twice the distance specified above. Each structure shall be separated from all other groupings of townhouse units according to the following table:

side to side = 20'
side to back = 30'
back to back = 40'
front to side = 30'
front to back = 40'
front to front = 40'

- (9) Other Applicable Codes: Any separation required to comply with building and fire codes.
- (10) Structure Length: No single grouping of townhouse units shall exceed 200 feet in length and the average length within the overall development shall not exceed 160 feet however, no townhouse structure shall contain more than eight units.
- (11) Unit Access: Each townhouse unit shall contain windows and exterior access on at least two sides in addition to the separations from individual townhouse site property lines required by the building regulation for such openings. In addition, there shall be unobstructed access at least ten feet in width on two sides of each individual townhouse unit.
- (12) Minimum Width Townhouse Unit: The minimum permissible width for a townhouse unit, center of common wall to center of common or exterior wall, shall be 19 feet.
- (13) Height: No townhouse unit shall exceed 35 feet in height, but no more than two stories shall be allowed.
- (14) Location of Parking: Each townhouse unit shall have reasonable access to the parking spaces required by this regulation. Parking lots may be used to serve multiple units; provided, however, those parking lots shall be configured so that each unit owner has reasonable access to the number of parking spaces required by this regulation.
- (15) Utilities: Individual feeders, meters, lines and shut-offs shall be provided for each townhouse unit, comparable to those for single-family detached development utilizing City standards for construction and dedication. No townhouse unit may be served from or through an adjoining or auxiliary structure. Water meters shall be located in a protected, grassed area, readily accessible from the street or drive aisle serving the unit. As an alternative to individual water meters, a master meter may be approved provided that the developer demonstrates that there is a legally and fiscally responsible entity from which billings for service can be collected.
- (16) Drainage: Each townhouse unit shall drain to a common or public drainage area or easement, and no townhouse site may drain onto or through an adjoining townhouse site except through a drainage easement.
- (17) Accessory Structures:
 - (a) No accessory structures shall be permitted on townhouse sites with the exception of garages, pools, spas, hot tubs, decks, cabanas, screen enclosures, walls, fences, awnings, trellises, and mechanical equipment and its enclosure.
 - (b) Whenever the City and developer intend to allow the installation of accessory uses and structures such as swimming pools, hot tubs, spas, trellises, decks and the like within the private rear yard areas of townhouse

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units, a masonry wing wall a minimum of six feet in height and having a minimum length of ten feet, shall be installed along the common side property lines between the units, extending from the back of the units. No wall or fence will be permitted across the rear line of the private exterior yard areas. Landscaping across the rear line of the private exterior yard areas shall consist of at least a hedge, two feet in height at the time of planting, to be grown and maintained to a height of at least four feet.

- (18) Replacement: In the event that any townhouse unit is destroyed or removed for any cause, said unit, if replaced, shall be replaced with a townhouse of a size, shape and appearance substantially similar to the original or to adjoining townhouses.
- (19) Association Required: A property owners' association shall be established and have at least the following duties, powers, responsibilities, and provisions:
- (a) Every property owner is required to be a member of the association;
 - (b) The association shall be responsible for maintenance of all common property and facilities, all exterior structure surfaces of townhouse units, and all landscaping located outside of enclosed private yard or patio areas;
 - (c) The Association and its agents shall be granted the right to enter common and private areas and facilities for the purpose of necessary repairs or maintenance;
 - (d) The association shall be empowered to make and collect assessments for the maintenance, repair and replacement of common areas and facilities specifically including, but not limited to, water and sewer lines, exterior structure surfaces and yard areas of townhouse sites.
 - (e) The association shall be responsible for necessary maintenance, repair, and replacement of all common facilities specifically including, but not limited to, water and sewer lines, exterior structure surfaces and yard areas, and shall ensure that all townhouses and common facilities are maintained to the standards enumerated elsewhere in this regulation. The association documents shall put the property owners and potential purchasers on notice that the City of Eudora has the right to enforce said maintenance and to assess the individual association members their pro-rated share of the cost of such enforcement.
- (20) Sidewalks:
- (a) Sidewalks shall be required to connect units to driveways, parking lots or streets.
 - (b) Required sidewalks shall be constructed of concrete, brick pavers or other approved surfaces, but no asphalt, stepping stones, loose rock or mulch.

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- (21) Private Drives: Any private access drives serving townhouse developments shall be so designed and constructed as to meet the City's standards for private drives.
- (22) Garages: A garage, a fully enclosed structure designed for storage of at least one automobile or similar motor vehicle, shall be required for each townhouse unit; except that the City may consider approving a common carport facility to serve all units provided parking areas are screened on all sides visible from public rights-of-way.
- (23) Legal Descriptions for Individual Sites: Prior to the issuance of a Certificate of Occupancy for any townhouse unit, a legal description for the proposed individual site, keyed to the approved site reference plan, shall be approved by the consulting city engineer and recorded in the office of the Register of Deeds of Douglas County, Kansas.
- (24) Conflict with Other Provisions: In the event that any provision of this section conflicts with any other provisions of this regulation, the provisions of this section shall control to the extent of such conflict.

16-411 Temporary Uses Permitted. The following uses are permitted on a temporary basis in the districts designated below:

- (1) Contractor's Office: Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only during the duration of such project.
- (2) Real Estate Office: Real estate office (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
- (3) Outdoor seasonal sales:
 - (a) Seasonal sale of farm produce grown on the premises, in all zoning districts is permitted; except that, no temporary structures incidental to such sale shall be permitted in any district other than industrial districts, which structures shall comply with the applicable front yard zoning and sight triangle requirements.
 - (b) Seasonal sales of Christmas trees and farm produce grown off the premises, is permitted in all zoning districts, subject to conditions in this subsection. Items for sale must not be displayed within the sight triangle of the intersection of any two streets. Uses in residential zoning districts must not be located within 200 feet of an existing residence unless separated by an arterial street. Such uses shall not impair public health, safety, and welfare.

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- (I) Type I: Sales conducted for a maximum of one weekend (three consecutive days) and a maximum frequency of two times per calendar year. No permit is required for Type I sales.
- (II) Type II: Sales conducted for a maximum of 45 consecutive days and a maximum frequency of once per calendar year. An administrative permit must be obtained from the City of Eudora for Type II sales. The City may require additional conditions—such as buffering or setback requirements—to ensure that such activities do not cause adverse impact to adjacent residential property.
- (III) Type III: Sales conducted for a maximum period of 24 consecutive weeks per calendar year. This period may be extended by the codes administrator for a reasonable period. A Use Permitted Upon Review (Section 6 of this article) is required for Type III sales, and the following conditions must be met:
 - (i) Such activities shall have adequate parking and sanitary facilities that are available to the public.
 - (ii) The City Council may require additional conditions—such as buffering or setback requirements—to ensure that such activities do not cause adverse impact to adjacent residential property.
- (4) Carnivals and Circuses: A carnival or circus, but only in commercial and industrial districts, and then only for a period that does not exceed one week. Such use need not comply with the front yard requirements, provided that structures or equipment comply with the sight triangle requirements of these regulations.
- (5) Housing: During construction of the principal residential structure, a basement, garage, camper or manufactured home may be utilized for temporary housing of full-time, regular workers for a period not to exceed six months. The Codes Administrator may extend the period six additional months upon showing of good cause by the owner. Upon conclusion of the permitted time period or completion of the principal structure, whichever occurs first, the owner shall remove the temporary housing or make the necessary changes for the property to be in conformance with the regulations of the district in which the property is located.
- (6) Garage or Porch Sales: The sale of used or second-hand merchandise shall be permitted in any district, provided that, such use shall not exceed three consecutive days in duration for one sales event, nor shall any single residence conduct more than three sales events in one calendar year.
- (7) Temporary Portable Outdoor Storage Units. Portable storage outdoor units are an allowed temporary and accessory use in all zoning districts, subject to the following conditions:
 - (a) For residential housing units, only one temporary portable storage outdoor unit per household may be permitted for no more than 14 consecutive

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days per calendar year. One extension of 14 days may be granted by the Codes Administrator, subject to a fee.

- (b) Temporary portable storage outdoor units shall be placed on an impervious surface and not within a public right-of-way or easement. Temporary portable storage outdoor units shall not impede pedestrian or vehicular circulation.
- (c) A permit must be obtained prior to placing a temporary portable storage outdoor unit on a property. Such permit may be obtained for no cost from the Codes Administrator.

16-412 **Determination of Structure Setback Line:** The structure setback line shall be determined by measuring the horizontal distance between the property line and the vertical plane of the furthest architectural projection of the existing or proposed structure; except that certain architectural projections listed below may extend beyond the structure setback line, subject to the following conditions:

- (1) **Projections into Required Yards:** Certain architectural features may project into required yards or courts as follows:
 - (a) In areas where the required yard is greater than five feet:
 - (I) Cornices, canopies, eaves or other architectural features may project a distance not exceeding two feet.
 - (II) Fire escapes may project a distance not exceeding four and one-half feet.
 - (III) An uncovered stair and necessary landings may project a distance not to exceed three feet; provided that such stair and landing shall not extend above the entrance floor of the structure except for a railing not exceeding four feet in height.
 - (IV) Bay windows, balconies, and chimneys may project a distance not exceeding two feet; provided that such features do not occupy, in the aggregate, more than one-third of the length of the structure wall on which they are located.
 - (V) Patios may be located in side and rear yards; provided that they are not closer than three feet to any adjacent property line.
 - (b) In areas where the required yard is less than five feet, cornices, canopies, or eaves not affecting pedestrian movement may project a distance not exceeding two feet. All other architectural features shall conform to the required five-foot yard.

16-413 **Orientation of Residential Structures in the RS District:** For each additional foot of front yard setback, the principal structure in an RS District may be oriented one degree

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off of parallel to the front yard setback line, provided all minimum yard requirements are met; and provided further, any such orientation off of parallel shall not exceed 22.5 degrees.

16-414 Fences: Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences:

- (1) Fencing for safety purposes shall be required wherever dwellings or manufactured homes are built or installed on lots abutting major streets, as defined in these regulations, and abutting railroad rights-of-way.
- (2) No fence shall be constructed which will constitute a traffic hazard. Fences, walls and hedges may be located in required yards as follows:
 - (a) If not exceeding at any point six feet in height above the elevation of the surface of the ground at such point, they may be located in any required side or back yard.
 - (b) On a corner lot, on the side lot line, no privacy fence shall be closer to the side street lot line than 15 feet, or in the sight line, whichever is more restrictive.
- (3) No fence shall be constructed in a manner or design to be hazardous or dangerous to persons or animals, nor in floodplains or public drainage easements.
- (4) No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation, or which will adversely affect the public health, safety and welfare.
- (5) No fence shall be constructed of a height greater than three feet in any required front yard; or six feet elsewhere; provided, however, when erected on public or parochial school grounds or in public parks or public playgrounds, the Planning Commission may, as a use permitted upon review, authorize the construction of a fence higher than six feet if the public welfare is served.
- (6) The following fencing shall be prohibited:
 - (a) Fencing materials of a temporary or short-lived nature such as safety fencing, snow fencing, "T post" construction, netting or other similar fencing as determined by the Codes Administrator;
 - (b) Chain link fencing with installed slats of vinyl or similar material; and
 - (c) Barbed wire, razor wire or other similar injurious materials unless otherwise approved for use in Industrial Districts by the Planning Commission.
- (7) No fencing shall be constructed beyond external lot lines, or across a public sidewalk, or public drainage easement, or FEMA designated 100-year flood plain. For unplatted property, no fence shall be constructed within fifteen (15)

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feet of any street right-of-way, and shall be subject to other restrictions of these regulations.

- (8) All fences shall be constructed with the finished side facing outward from the property. The posts and support beams shall be on the inside or shall be designed as an integral part of the finished surface.
- (9) A permit to install or modify a fence shall be obtained from the City. Pre-existing, nonconforming fence shall be exempt unless 33% or more of the fence is replaced or repaired, which shall require the entire fence to come into compliance with these regulations.

16-415 Landscaping, Screening and Buffering Regulations:

- (1) It is the intent and purpose of this Article to establish minimum landscaping, screening, and buffering requirements for new development within the jurisdiction of the City of Eudora Zoning Ordinance. All development requiring landscaping and buffering and screening shall comply with the following:
 - (a) Applicability: Landscaping, screening and buffering, as required in this Article, shall be provided for all new development, except as specifically exempted in Section 3 of this Article.
 - (b) Exemptions: Improvements or repairs to existing development that do not result in an increase in floor area and changes in use that do not result in an increase in intensity shall be exempt from the regulations of this Article.
 - (c) Transition Buffer General Provisions:
 - (i) Location of Buffers. Transition buffers shall be located along those portions of a site adjoining lots with a different zoning classification.
 - (ii) Responsibility for Installing Buffers. The developing property shall always be responsible for providing required buffers.
- (2) Transition Buffer Specifications: When a transition buffer is required by this code, such transition buffer shall consist of a planting screen meeting the specifications herein. A landscaped berm or a fence screen meeting the specifications herein may be used in lieu of such planting screen if an exception for such substitution is granted by the Planning Commission
- (3) Planting Screens. Planting screens shall consist of trees, bushes or shrubs of a variety and so planted and kept as to be achieved within thirty-six (36) months after occupancy of the premises to be screened.
 - (a) Any two (2) foot square segment of a planting screen shall contain no more than Twenty-five percent (30%) open space affording a direct horizontal view through such screen if such segment is over two (2) feet above grade.

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- (b) Such screen shall have a minimum height of six (6) feet above grade at any particular point along its length.
- (4) Landscaped Berm. Adequate evidence shall be furnished demonstrating that the construction of such berm, along with any necessary culverts and ditching, will not create adverse drainage and flooding conditions on adjacent property.
 - (a) Such berm shall be at least thirty (30) feet in width at the base and at least four (4) feet in height, as measured perpendicular to grade level at any point along its length. Side slopes shall have a gradient no steeper than three to one.
 - (b) Side slopes of such berm shall be sodded so as to prevent erosion. The top of the berm shall contain a planting screen above except that the minimum height of such planting screen need be no more than three feet above the top of the berm at any particular point along its length. Construction and material of such berm shall be as approved by the Planning Commission.
- (5) Fence Screen. A fence screen shall not be less than eight (8) feet, nor more than ten (10) feet in height above grade level, at any particular point along its length. Any two (2) foot square segment of such screen shall contain no more than Twenty-five percent (30%) open space affording a direct horizontal view through such screen. Construction and material of such fence screen shall be as approved by the Planning Commission.
- (6) Transition Buffer Requirements: Landscape buffers shall be provided and maintained when certain land uses are adjacent to one another. This requirement is intended to help ease the land use transition between areas of varying development intensity and to ensure land use compatibility.
- (7) Determination of Transition Buffer Requirements. The following procedure shall be followed in determining if a transition buffer is required. Using the matrix in of this Article:
 - (a) Identify the minimum zoning classification required to accommodate the proposed use. These classifications are listed under “Zoning of Proposed Development” in the first column.
 - (b) For Transition Buffer Requirements, identify the actual zoning classification of the abutting site(s). These classifications are listed under the heading “Existing Zoning of Abutting Property”
 - (c) Determine if a transition buffer is required by crossing the previously identified proposed zoning with the adjacent zoning. The letter “R” indicates that a transition buffer is required; otherwise, no transition buffer is required.

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ZONING OF PROPOSED DEVELOPMENT	EXISTING ZONING OF ABUTTING PROPERTY								
	RA	RS	RT	RM	RE	DC	C	PD	I
RA-RE	—	—	—	—	—	—	R	—	—
DC	—	R	—	—	R	—	—	—	—
C	R	R	R	R	R	—	—	—	—
POD	R	R	R	R	R	R	R	R	—
I	R	R	R	R	R	R	R	R	—

- (8) Street Trees: One (1) street tree per every eighty (80) lineal feet of street frontage shall be required. Street trees shall be installed outside of required rights-of-way and public easements. Trees shall be placed at fairly even intervals to create a uniform “street tree” appearance along the street frontage. Street trees shall be spaced at fairly even intervals, with the exception of allowances to accommodate physical obstructions such as the location of utilities and driveways. Street trees shall not be located within intersection site triangles as defined by these regulations.
- (9) Existing Trees: Existing high quality trees and shrubs shall be preserved, if possible. Where a proposal to remove this vegetation could be avoided through modification of site layout and design or where proposed tree and vegetation removal would be detrimental to a site’s overall appearance, function or environmental condition. The Planning Commission may require preservation of such trees and vegetation. No preservation beyond twenty-five (25) percent of the gross acreage of the site may be required. Preservation of high quality vegetation should not restrict the use of property, but should be integrated into overall site design in a manner that will achieve both preservation and functionality.

16-416 Commercial Corridor Design Guidelines:

- (1) The commercial corridors of Eudora serve as districts for commercial activity and focal points for business. These guidelines are intended to accomplish the following:
- (a) Provide for the proper sizing and location of new retail zoning requests and developments;
 - (b) Improve on- and off-site vehicular and pedestrian circulation and safety;
 - (c) Allow commercial strip centers to develop on arterial streets while at the same time preserving the capacity of the arterial street to carry citywide traffic; and

- (d) Improve the visual character and identity of retail centers, strip centers, and major transportation corridors.

These guidelines are intended to supplement the City regulatory review process when considering applications for regulatory review and/or development permits in the following corridors:

- Winchester Road;
- Local arterial roads linking to K-10 Highway;
- West 10th Street; and
- Church Street through the city.

Each of the design elements or sections includes a statement of purpose and a listing of key issues. The applicant will be expected to address these issues by: a) complying with the guidelines for each section; or b) proposing alternative solutions that specifically address the identified issues.

Although included within the policies of the Comprehensive Plan—which guide future zoning decisions—the guidelines and their application are intended to be flexible. To that extent, the applicant is encouraged to propose innovative alternatives that accomplish the stated purpose of the guidelines.

The following guidelines are intended to be used by staff in initial discussions with the applicant to aid in preparation of a submission. Upon receipt of a zoning case or site plan, staff will evaluate the request based on its compliance with guidelines or upon how effectively it addresses the intent of each section through alternative solutions. The applicant shall clearly show with supportive information and data how of the key issue(s) is addressed.

When an applicable zoning case, land use plan, or site plan is presented to the Planning Commission, the staff's recommended action will be included. Staff's recommendation will be based on its determination of the proposal's conformance to the guidelines and/or its effectiveness in meeting the purposes and issues of the various design elements.

(2) Site Appropriateness—Retail Strip Centers.

- (a) Purpose: In order for the retail centers to best serve as neighborhood or community shopping centers, certain parameters need to be addressed. These include:
 - (I) appropriate site location;
 - (II) efficient site shape and size; and
 - (III) site accessibility.
- (b) Guidelines:
 - (I) Retail centers should typically be located at the intersection of two major thoroughfares.
 - (II) Sites for neighborhood commercial centers should be generally at least six acres to accommodate 30,000 to 100,000 square feet of retail space including serving a one (1) mile radius. Community centers should be planned for a larger site.

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- (III) To gradually phase in access control standards, Eudora should plan sites to be accessible from major thoroughfares at future median breaks.
- (IV) Sites should be accessed from local streets that are segregated from the street system of residentially zoned land.
- (V) Topography and drainage should be addressed with regard to corner shopping locations.

(3) Building Arrangement

- (a) Purpose: Proper arrangement of buildings on a site provides for efficient and viable long-term use. Key issues include:
 - (I) storefront visibility and accessibility;
 - (II) relationship of buildings to each other;
 - (III) orientation to thoroughfares;
 - (IV) compatibility with surrounding land uses; and
 - (V) re-use of buildings and adaptability for new tenants.
- (b) Guidelines:
 - (I) Storefronts should generally be visible from main circulation aisles unless a “mall” or courtyard approach is used.
 - (II) Buildings should be arranged to reduce visibility of service areas from streets, customer parking areas and adjacent properties.
 - (III) Buildings should be grouped along one side lot line, with one end at the front yard building setback, and with the front setback landscaped, providing a 10’ setback for all paved off-street parking.

(4) Access

- (a) Purpose: Safe and efficient access to the corner shopping center or commercial strip minimizes potential vehicular and pedestrian conflicts. The key issues include:
 - (I) location of (future) median breaks along major thoroughfares;
 - (II) number and location of entry drives;
 - (III) design of entry drives; and
 - (IV) traffic visibility.
- (b) Guidelines:
 - (I) Driveways should typically be spaced with a minimum of 125 feet from the intersections of major thoroughfares unless a one-way traffic flow is used. All other driveway and median openings should adhere to a Driveway Access Standard.
 - (II) The ingress side of the main entrance drive should be the largest radius allowed by ordinance for better access into the site, particularly at major centers, such as along reverse frontage roads of K-10 Highway.
 - (III) Driveways should maintain an appropriate sight distance triangle at all perimeter entrances.
 - (IV) Main entrance drives should generally be located at median breaks providing left turn access to and from the site. Continuation left-turn lanes should be broken with medians at major intersections.

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- (V) Main entrance drives should connect to a “straightaway” aisle that does not dead end or require an immediate turn to approach the main building.
- (VI) Aisles intersecting with entrance drives should be spaced a minimum of 20 feet from the entrance line to provide for smooth turning movements.

(5) Circulation and Parking

- (a) Purpose: Proper circulation and parking systems minimize confusion and facilitate safe and easy pedestrian and vehicular movement within the center. The key issues include:
 - (I) traffic aisle alignment;
 - (II) traffic speed and safety;
 - (III) parking location and layout;
 - (IV) service area parking and circulation;
 - (V) customer pick-up areas;
 - (VI) drive-thru building circulation; and
 - (VII) pedestrian circulation and safety.
- (b) Guidelines:
 - (I) Provide a 10' setback from street-side property lines for all off-street parking drives and spaces.
 - (II) Main drive aisles should generally be free of parking when adjacent to large anchor tenants of 30,000 square feet of floor area or more.
 - (III) The direction of traffic flow should be identified.
 - (IV) Lanes should be provided for drive-thru facilities, including stacking space, which are physically separated from other circulation and parking aisles.
 - (V) Parking aisles should be oriented toward anchor stores to minimize the number of parking lanes crossed by pedestrians.
 - (VI) Typically provide right angle intersections (80 to 100 degrees) with no more than 2 traffic lanes crossing at any interior intersection.
 - (VII) Parking should be arranged to provide readily accessible spaces for each establishment.
 - (VIII) The parking layout should maximize the amount of parking in front of the building and minimize the amount behind.
 - (IX) Separate service vehicle circulation from customer circulation routes.
 - (X) Allow for all tenants to be accessed from within the development through cross-access agreements.

(6) Building Elements

- (a) Purpose: In order to create a positive overall development character, all structures (including separate pad site structures) at shopping centers should have an attractive and uniform architectural treatment. The key issues include:
 - (I) consistency of design between structures;
 - (II) materials standards; and

SECTION 4 – ADDITIONAL DISTRICT REGULATIONS

- (III) rear facade treatment.
- (b) Guidelines:
 - (I) The facade design plan of the entire project should be submitted with site plan review.
 - (II) Facades and rooflines facing streets or main parking areas should be consistent throughout the development in design, color and materials, including that of both principal and accessory structures.
 - (III) Rooflines, overhangs, and the front fascia should be extended to the rear of the building(s).
 - (IV) High quality, low maintenance building materials are recommended.
 - (V) Signage located on the buildings should be consistent in size, location and material throughout the project.
 - (VI) Rear facades should be of finished quality and should be of color and materials that blend with the remainder of the building(s).
- (7) Service Facilities
 - (a) Purpose: Service areas should be appropriately located and designed to efficiently and inconspicuously serve the shopping center development without disrupting on-site circulation or adjacent land uses while maintaining visibility for security purposes. The key issues include:
 - (I) location of service areas;
 - (II) visibility of service areas; and
 - (III) treatment of pad site service areas
 - (IV) location of trash containers.
 - (b) Guidelines:
 - (I) Service facilities should generally be located in a central area to be used by several retail establishments.
 - (II) Service and docking facilities should be separate from main circulation and parking functions.
 - (III) Trash containers should be located in appropriately screened central service areas, and not visible from the public street.
 - (IV) All dumpsters should be screened on all sides exposed to a public right-of-way or abutting residential use. All dumpsters should be shown on the approved site plan and whenever possible shall be clustered.
 - (V) Service areas should be easily accessible by service vehicles.
 - (VI) Pad site service areas should be screened from the remainder of the development and physically separated from the circulation aisles and parking areas serving the remainder of the site.
 - (VII) Pad site service areas should typically be screened by an extension of the building.
 - (VIII) Service facilities should be screened from the remainder of the project, adjacent land uses and major thoroughfares. Extended wing walls from the building may be used to screen service areas. When used, these walls may be of solid construction if lighted on both sides, or a minimum of 30% of open construction if lighted on

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only one side. A combination of landscaping and screening walls may also be used.

(8) Utilities/Mechanical/Outdoor Storage

- (a) Purpose: The location and treatment of utilities, mechanical functions and outdoor storage areas should be managed and coordinated to achieve physical and visual order within the shopping center development. The key issues include:
 - (I) location of facilities; and
 - (II) visual impact of utilities.
- (b) Guidelines:
 - (I) Typically, utilities should be underground from right-of-way to building to reduce visual clutter.
 - (II) Locate utility metering within a designated service area.
 - (III) Locate mechanical equipment in the designated service area and screen from the project and adjacent land uses.
 - (IV) Limited outdoor storage will only be permitted in designated service areas that are screened from the remainder of the project, adjacent land uses and streets.
 - (V) Utility conduit and boxes should be painted to match building color.
 - (VI) Roof mounted mechanical units shall be screened from view with a parapet wall, mansard roof, or other architectural extension, equal in height to the unit(s) except when that distance exceeds five (5) feet. In this case, an additional setback will be required at a ratio of two (2) feet horizontal for each additional foot of vertical height above five (5) feet.

(9) Buffers and Screens

- (a) Purposes: Proper use of buffers and screens will lessen the differences between land uses and diminish the visual impact of undesirable elements. The key issues include:
 - (I) unified character;
 - (II) high quality construction;
 - (III) longevity of screening;
 - (IV) disparity between land uses; and
 - (V) visibility of undesirable elements.
- (b) Guidelines:
 - (I) Architectural screens should be an extension of the development's architectural treatment and consistent in color and design. The development of an office business park where there is high interstate visibility, affords a chance to create an attractive "front door" appearance.
 - (II) Screening walls should be constructed of low maintenance, high quality materials that are consistent with the building facade material.
 - (III) Landscape screens (typically 18 inches to 36 inches in height) should be provided between all parking areas and streets.

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- (IV) Landscape screens may include a combination of plant massing, earth berming and walls.
- (V) A 10-foot to 15-foot wide landscape buffer should be provided to separate the retail use from residential land uses. A masonry wall or combination wall and landscaping may be substituted for this buffer.

(10) Landscaping

- (a) Purpose: The location and design of landscaped areas, entrances and edges should effectively reinforce development's character and quality, identify its entry points and break the massiveness of a center's parking area. The key issues include:
 - (I) unified development image and character;
 - (II) parkway treatment;
 - (III) identifiable entrances;
 - (IV) visual dominance of parking area; and
 - (V) existing mature trees.
- (b) Guidelines:
 - (I) The landscaped planting plan of the entire project should be submitted with site plan review.
 - (II) Approximately 15% of the area between the main building face and the front property lines should be of a permeable landscaped surface. (Secondary buildings located between the main building and the front property line should not be included in the area calculation.)
 - (III) Landscape areas should generally consist of a combination of trees, shrubs and ground cover.
 - (IV) Use landscape areas for transition and integration between pad sites and surrounding land uses.
 - (V) Minimum 2 inch caliper trees are recommended.
 - (VI) Artificial plants are prohibited.
 - (VII) Preserve existing mature trees where possible.
 - (VIII) Special landscape treatment should be employed to highlight and identify entrances.
 - (IX) Landscape areas should be regularly spaced in parking lots to break up massiveness of pavement.
 - (X) Mechanical irrigation systems are typically required to ensure maintenance of plant materials.
- (c) Landscaping should be used in conjunction with screening walls when multi-story buildings abut an adjacent property where topography lessens the effect of a wall alone.
- (d) Transition Buffer Requirements of these Regulations shall be met.
- (e) Landscaping Plans: Required landscaping, screening and buffering shall be shown on the required site plans, building plans or as an attached landscape plan or plot. These plans shall include material type, quantity, location, size and dimension

- (f) Exterior Storage: Except as otherwise permitted by these regulations or during permitted construction on any tract, all exterior storage of equipment, raw materials or finished products shall be fully screened from the view of adjacent parcels and streets by a solid screen at least six (6) feet in height. Storage within I - Industrial Districts shall be exempt from screening of exterior storage visible from abutting streets.
- (g) Screening and enclosure required for permitted outdoor storage shall be by means of a fence, wall or berm, in combination with landscaping, designed to create a minimum of seventy-five (75) percent opacity. Crates, boxes, trailers or other temporary storage facilities shall not be considered appropriate screening materials. Outdoor storage shall not interfere with the required and/or approved operation of the site, including but not limited to traffic circulation, parking, open space or aesthetics.
- (h) The permitted display of merchandise for sale to the public shall be restricted to a maximum of twenty-five (25) percent of the area of either the front, side or rear yard exclusive of any area of required setback. In no case shall merchandise for sale be displayed in any required set back or parking area, or interfere with pedestrian or vehicular access or parking.
- (i) Existing businesses in non-compliance with the requirements of this section shall be required to be in full compliance one year from the effective date of these revised regulations, subject to the following considerations:
 - (I) In order to bring an existing business into compliance, an application shall be made to the Codes Administrator. The application shall include the details of proposed site plan amendments or revisions needed to bring the business into compliance with these regulations. Staff may require the applicant to submit copies of existing site plans and other materials necessary to provide adequate consideration. The Planning Commission shall approve applications and site plan amendments.
 - (II) If following review, the Planning Commission determines that these regulations cannot reasonably be met an exception to these regulations shall be granted. Such exception shall be based upon the following considerations:
 - (i) The exception is unique to the property in question and will not ordinarily be found in the same zone or district; and is not created by an action or actions of the property owner or applicant.
 - (ii) The exception is the minimum exception necessary.
 - (iii) The granting of the exception will not create unfair competition with similar uses in the same zone or district.
 - (iv) The granting of the exception will not adversely affect the rights of adjacent property owners.

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- (v) The exception will not be opposed to the general spirit and intent of these regulations.
- (j) Refuse: Except during permitted construction on any tract, all waste materials, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes, and located on a paved surface designed for adequate vehicle and removal equipment access and operation. Containers shall be screened from view from adjacent parcels and any streets. Unless the container is contained within the building until time of collection, screening shall be provided by dense landscaping, landforms, by housing the container in a refuse enclosure at least as tall as the container, or a combination thereof. This screen shall provide complete visual screening of the dumpster and be compatible in material and color with the principal structure on the lot.
- (k) The owner of any land parcel shall be responsible for keeping that land free of refuse. All exterior storage not included as a permitted accessory use, a permitted use, included as part of a Use Permitted upon Review, or otherwise permitted by these regulations or other City code shall be considered refuse.

16-417 Adult Entertainment Regulations

- (1) The following uses shall be considered Adult Entertainment Uses in each Zoning District if any of the following conditions apply:
 - (a) In Residential Districts, if any use has any gross receipts, or inventory on hand at any time, or its floor area at any time in uses as described in Subsection (2) below.
 - (b) In Commercial and Industrial Districts, if any use is in excess of five percent of annual gross receipts, or inventory on hand at any time, or its floor area at any time as described in Subsection (2) below.
- (2) Adult Entertainment shall comprise any of the following activities:
 - (a) An amount more than the permitted percentage of its annual gross receipts derived from: the offering of entertainment, performances, scenes, visual representations, or other presentations which are characterized by emphasis on depiction or description of “specified sexual activities” or of “specified anatomical areas” as herein defined, or the offering of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of “specified sexual activities” or of “specified anatomical areas” as herein defined, and instruments, devices, or paraphernalia designed for use in connection with “specified sexual activities” as herein defined; or

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- (b) An amount more than the permitted percentage of its inventory on hand at any time consisting of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of “specified sexual activities” or of “specified anatomical areas” as herein defined, or paraphernalia designed for use in connection with “specified sexual activities” as herein defined; or
- (c) An amount more than the permitted percentage of its floor area at any time allocated to entertainment, performances, scenes, visual representations, or other presentations which are characterized by emphasis on depiction or description of “specified sexual activities” or of “specified anatomical areas” as herein defined, or the offering, display and storage of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of “specified sexual activities” or of “specified anatomical areas” as herein defined, and instruments, devices, or paraphernalia designed for use in connection with “specified sexual activities” as herein defined, and instruments, devices or paraphernalia designed for use in connection with “specified sexual activities” as herein defined.

[Pages Reserved]

SECTION 5. OFF-STREET PARKING AND LOADING.

16-501 Parking Requirements

- (1) General Intent and Purpose. It is the intent of these requirements that adequate parking and loading facilities be provided off the street for each use of land within the city. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts. Off-street parking areas shall be constructed in accordance with the standards contained in this section.
- (2) Parking in Yards
 - (a) Off-street parking or loading space shall be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.
 - i. Parking for single-family detached houses, two-family houses and townhouses may be located within the required front yard, on a paved driveway – or original surface – leading to an attached or detached garage.
 - ii. Parking for Industrial or commercial uses shall not occupy the front fifteen (15) feet of the required front yard and shall be separated from the side and rear lot lines by a yard of five (5) feet in width.
- (3) Location. The off-street parking lot shall be located within 200 feet, exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley, except as otherwise provided herein. In residential areas parking shall only be provided on paved areas such as driveway approaches and in garages or carports.
 - a. Carports are allowed for single-family houses, two family houses, and town homes, provided the following stipulations are satisfied:
 - i. The carport is situated behind the front façade of the main structure in all lots and also behind the side façade that faces a public right-of-way in the case of corner lots;
 - ii. The carport, once constructed, will meet the minimum wind and snow loads as determined by the City's most recently adopted version of the International Building Code;
 - iii. Manufactured or prefabricated carports that are temporary in nature or attached to a larger structure in a way that does not require a building permit may be located in the required side yard setback, provided that application for a carport is accompanied by a surveyed and staked plot plan of the property as deemed necessary by the Code Administrator;
 - iv. Carports that are permanent in nature and constructed as part of a larger structure (thereby requiring a building permit) must comply with side yard setback requirements; and
 - v. Only passenger cars, passenger vans (including minivans), full size vans, conversion vans, pickup trucks, motorcycles, recreational

SECTION 5 – OFF-STREET PARKING REGULATIONS

vehicles, boats, empty hauling trailers, all-terrain vehicles, and lawn tractors/mowers that are fully operable, functioning, and that meet the provisions of Chapter 8, Article 3 of the Eudora City Code (as applicable) may be stored under a carport.

- b. Each residence is permitted, subject to the restrictions specified in this Section, to park or store, outside a garage, not more than one (1) recreational vehicle; provided, however, that no such item shall exceed fourteen (14) feet in height, eight (8) feet six (6) inches in width and forty-four (44) feet in length. Any such recreational vehicle parked outside of a garage shall be licensed pursuant to the laws of the State of Kansas and a separate permit shall be required and obtained from the City of Eudora.
 - i. No such parking or storage of a recreational vehicle shall occur between the street and the front building line of the residence (and corner side yard on corner lots) with the exception of two occurrences – not to exceed 72 hours each – in a 30 day period.
 - 1. Parking of such recreational vehicles in the front or side designated parking area that creates a hazard to others by obstructing the view or ingress or egress from any abutting property is prohibited.
 - ii. No recreational vehicle shall be used as living quarters within the boundaries of the City of Eudora unless such recreational vehicle is parked in an area specifically approved by the governing body as a campground or as a location for temporary or emergency housing.
 - iii. Homeowners and occupants of residential property who own a recreational vehicle on the date of the enactment of this amendment shall be grandfathered with regard to the recreational vehicle's parking location, provided:
 - 1. The homeowner or occupant obtain a permit from the City of Eudora within six (6) months from the date of the enactment of this ordinance, and
 - 2. The permit from the City of Eudora identifies the initial parking location on private property.

Homeowners and occupants of residential property will continue to be grandfathered as long as they continuously own a recreational vehicle and own or reside at the residential property identified in the City of Eudora permit. A new homeowner or occupant of the residential property shall not be entitled to a permit and must comply with the storage and parking regulations as otherwise required by this code.

- (4) Joint Parking Facilities. Whenever two or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing permanent common parking facilities, co-operatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements. Spaces provided for permanent residents of dwellings shall be clearly designated and separated from spaces provided for employees, customers, and service.

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- (5) Ownership or Control of Lot. The land upon which the off-street parking lot is located shall be owned or controlled by the same entity which owns or controls the land on which the principal use is located.
- (6) Size of Off-Street Parking Space. The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine feet wide by 18 feet long, plus adequate area for ingress and egress.
- (7) Amount of Off-Street Parking and Loading Required.
 - (a) Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule.
 - i. Dwelling, Single-family. A minimum of three parking spaces.
 - ii. Dwelling, Two-Family. A minimum of three parking spaces, for each separate dwelling unit within the structure.
 - iii. Dwelling, Multifamily. A minimum of three parking spaces for each separate dwelling unit within the structure.
 - iv. Boarding or Rooming House or Hotel. One parking space for each two guests provided overnight accommodations plus one space for each two employees.
 - v. Hospitals, Sanitariums, Convalescent or Nursing Homes. One space for each three patient beds, exclusive of bassinets, plus one space for each staff or visiting doctor, plus one space for each two employees including nurses, plus adequate area for the parking of emergency vehicles.
 - vi. Medical or Dental Clinics or Offices: One parking space for each 100 square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service areas.
 - vii. Community Center, Theater, Auditorium. One parking space for each three seats, based on maximum seating capacity.
 - viii. Convention Hall, Lodge, Club, Museum. Place of Amusement or Recreation. One parking space for each 50 square feet of floor area used for assembly or recreation in the building.
 - ix. Office Building. One parking space for each 250 square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service area with no parking permitted in the front yard.
 - x. Restaurant. One parking space for each 100 square feet of gross floor area in the building, exclusive of the area used for utilities and building services, plus one parking space for every two employees.

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- xi. Commercial Establishments Not Otherwise Classified: One parking space for each 200 square feet of floor space in the building used for retail trade, or used by the public, whichever is the greater, plus one space for every two employees.
 - xii. Industrial Establishments. Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment.
 - xiii. Church Sanctuary. One parking space for each three seats, based on maximum seating capacity; provided, however, that churches may establish joint parking facilities for not to exceed 50 percent of the required spaces, with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed 400 feet from the church sanctuary.
 - xiv. Mortuary. One parking space for each two employees plus one parking space for each three seats.
 - xv. Tavern. One parking space for each employee plus one parking space for each two seats.
 - xvi. Library. One parking space for each two employees plus one parking space for each 200 square feet of service floor area.
- (b) For all uses not covered above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.
- (8) Residential Driveways and Parking Spaces: Residential driveways connecting to public streets shall be installed at locations approved by the Codes Administrator and the City Public Works Superintendent.
- (a) Driveway entrances within the street right-of-way shall be six inches thick Portland concrete and reinforced with six by six inch welded fabric or ½ inch rebar on 24 inch centers each way.
 - (b) Driveways and parking spaces shall be constructed of four inches thick Portland concrete reinforced with six by six inch welded fabric or ½ inch rebar on 24 inch centers each way or four inches compacted asphalt over two inches crushed rock base.
 - (c) Driveways and parking spaces further than twenty (20) feet from the adjacent street right-of-way shall be four inches thick Portland concrete reinforced with six inch by six inch welded fabric or ½ inch rebar on twenty four (24) inch centers each way or four inches compacted asphalt over two inches crushed rock base, or six inches crushed rock base, provided that:

SECTION 5 – OFF-STREET PARKING REGULATIONS

- i. The lot area is over one acre;
 - ii. The lot is located in an RA or RS district; and
 - iii. The driveway and parking space is at least ten (10) feet in width and sixty (60) feet in length.
- (d) Residential driveways for single-family houses, two family houses and town homes shall be a minimum width of eighteen (18) feet and a maximum cumulative width of thirty-six (36) feet when located in the required front yard. Side yard driveways shall have a maximum width of twelve (12) feet.
 - i. In the case of corner lots that require side yard driveway access as their main driveway, front yard driveway width requirements shall apply.
- (e) Residential driveways for single-family houses may be located up to a side lot line.
 - i. Application for residential driveways that are proposed to be located within a required side yard setback shall be accompanied by a surveyed and staked plot plan of the property as deemed necessary by the Code Administrator.
- (f) Residential driveways for single-family houses shall be constructed in such a way that stormwater runoff is directed away from adjacent properties.
- (9) Parking Lot Construction: Parking lot construction methods and materials shall be approved by the Planning Commission with the following minimums:
 - (a) At least six (6) inches of full depth asphaltic coverage;
 - (b) At least three (3) inches of asphaltic concrete over six (6) inches of crushed rock;
 - (c) At least six (6) inches of reinforced concrete;
 - (d) For parking areas used for storage of equipment or inventory in zoning districts (RM) multi-family housing, (RE) residential elderly housing, and (C) commercial, paving with hard surfaces is required.
 - (e) Off-street parking lots in (RM) multi-family housing, (RE) residential elderly housing, (C) commercial, (DC) downtown commercial, and (I) industrial shall be constructed with concrete curb and gutter.
 - (f) Parking lots in all zoning districts other than (I) industrial districts shall be reviewed by the Planning Commission with the following design guidelines:

SECTION 5 – OFF-STREET PARKING REGULATIONS

- i. Off-street parking lots should be integrated into the overall site design in a manner that provides convenient access without dominating the site. Buffering, screening, and other means of minimizing the visual impact of parking are important considerations.
 - ii. Parking lots should be screened from the surrounding street network and adjacent incompatible uses to limit the visual impact of parking areas on streets and adjoining land uses. Reducing the visual impact of parking maximizes the positive character of streets and buildings through continuity of buildings and streetscape frontages.
 - iii. Off-street parking and circulation drives should be shared throughout the development area of large sites where connectivity and circulation can be cost-effectively designed.
 - iv. Illumination of off-street parking areas should be provided with appropriate building mounted and/or pole mounted light fixtures, twenty (20) feet in height when adjacent to residential districts and up to twenty five (25) feet in height elsewhere, to limit glare on adjoining residential properties and present an aesthetically proportionate height to the height of adjacent building. Wall-pack fixtures and floodlights that project light outward rather than downward should not be permitted. Fixtures that project light or glare toward street right-of-way or adjoining properties are not permitted.
 - v. Loading and service areas should be located and designed to minimize visibility from streets and adjoining properties.
 - vi. Screen walls for parking, service and loading areas, and mechanical equipment should be designed to complement the architectural style of the adjacent buildings.
 - vii. Pedestrian connections with adjacent residential areas should be planned and incorporated wherever possible convenient access for nearby neighborhoods.
 - viii. To visually break up large parking areas, interior landscape islands should be provided.
- (10) Driveway Construction: Driveway entrances and curbing within the public right-of-way shall be a minimum of six inches reinforced concrete and a 4,000 psi mix.
- (11) Approval of Off-Street Parking: The Planning Commission shall approve all parking lot design and may require thicker pavement for heavier traffic.

SECTION 6. USES PERMITTED UPON REVIEW

16-601 USES PERMITTED UPON REVIEW.

- (1) When Required. Before a building permit is issued, certain uses listed in uses permitted upon review in each zoning district shall be required to meet the requirements of this section.
- (2) Application. An application shall be filed with the Planning Commission for review prior to a regular Planning Commission meeting at which action is requested. The application shall be accompanied with a site plan, a list of property owners within 200 feet of the exterior boundaries and a review fee per building site as set forth in the City fee ordinance.
- (3) Public Hearing. Upon application, a notice of public hearing shall be published at least once in the official newspaper of the city no less than 20 days prior to the date of public hearing. Such notice shall fix the time and place of such hearing and describe the application in general terms. In addition to the public notice, a written notice of such proposed application shall be mailed to all property owners of lands located within 200 feet of the area proposed to be altered.
- (4) Recommendation. The Planning Commission shall upon reviewing the application submit recommendations to the city council for final considerations of the application. Such recommendation may include conditions to the application.
- (5) City Council Action. In the exercise of its review, the city council may disapprove an application, in granting a "Use Permitted Upon Review" the council may impose any conditions relative to location, character, density or other features of the proposed use of buildings or space as it may deem advisable in the furtherance of the purpose and intent of this ordinance.
- (6) Guidelines for Review of "Uses Permitted Upon Review." In order to accomplish the purpose and intent of this section, it is necessary to give special consideration to certain uses because they are unique in nature, require large land areas, require greater density, are potentially incompatible with existing development or because effects of such uses cannot definitely be foreseen, or more intensively dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses makes it desirable that it be permitted to locate therein. Therefore, these uses must be specifically placed into the development pattern which exists at the time of their arrival. In order to properly review the proposed "Uses Permitted on Review," the following guidelines shall be used by the Planning Commission and city council in considering the application.
 - (a) The proposed use and site plan conform to the purpose and intent of this Article.
 - (b) The proposed use complies with the Comprehensive Plan.

SECTION 6 – USES PERMITTED UPON REVIEW REGULATIONS

- (c) The proposed use and site plan will not be objectionable or detrimental to the public welfare of the community under the circumstances of the particular case regarding setback, height, density and similar aspects.

SECTION 7. SPECIAL CONDITIONS

16-701 Special Conditions. General Purposes, Various uses as listed below have characteristics which require special conditions to allow such uses to be compatible with the surrounding land uses. This section must be used in coordination with Section 3, which defines the zoning district in which each use is allowed.

- (1) Automobile Service Stations. Automobile service stations shall conform with the following conditions:
 - (a) When the rental of automobiles, trailers, or single axle trucks are conducted on the premises, additional paved and landscaped area will be provided other than service driveway and required off-street parking in compliance with this Article.
 - (b) The minimum site area of an automobile service station shall be 15,000 square feet with a minimum of 100 foot frontage.
 - (c) Every site shall provide for proper drainage by having a catch basin between driveways and sidewalks, except where a storm sewer is not available.
 - (d) The proposed building shall be compatible with surrounding structures and neighborhood character of development.
 - (e) The minimum setback from street right-at-way lines of the principal building (not including the canopy) shall be 50 feet.
 - (f) All hydraulic hoists and pits, all lubrication, greasing, automobile washing and repair shall be enclosed entirely within a building.
 - (g) Ingress and Egress: (1) Maximum width of driveways shall be 35 feet; (2) Minimum distance between outside edges of driveway shall be 100 feet.
- (2) Cemetery, Columbarium, Crematory or Mausoleum. Such uses shall have their principal entrances on a major thoroughfare, with ingress and egress so designed as to minimize traffic congestion and shall provide a wall or fence at least six feet high on all property lines abutting any residential district.
- (3) Church or Other Place of Worship. The following are size standards for churches:

Maximum Sanctuary Seating Capacity	Total Minimum Area to Site in Acres
200	2.0
300	2.5
700	3.0

- (4) Construction Facilities, Accessory: Temporary Batching Plant for Asphaltic or Portland Cement Concrete, or Temporary Building or Yard for Construction

SECTION 7 – SPECIAL CONDITIONS REGULATIONS

Materials and/or Equipment shall be permitted in any zoning district upon obtaining a Use Permitted Upon Review Permit from the city council after it finds that such batching plant, yard, or building is both incidental to and necessary for construction within two miles of the plant, yard, or building. Each permit for such plant, yard, or building shall specify the location of the proposed facility and the area to be served thereby. Each such permit shall be granted for a period of not more than 180 days, and such permits shall not be granted for the same location for more than four such periods during any 30 month period. The applicant shall show that adequate measures will be taken to prevent odor, dust, noise, lights, drainage, and traffic from becoming objectionable to uses on other properties. Ingress to and egress from such facilities shall be only from major thoroughfares, provided, however, that the city council may approve a location on a minor thoroughfare if the council finds that such location would give rise to less traffic on residential thoroughfares than would a feasible location on a major thoroughfare.

- (5) Home Occupations. Home occupations in those districts where permitted are subject to all of the following conditions:
- (a) In any dwelling unit, the home occupation shall be incidental and subordinate to the principal residential use of the premises and all home occupations collectively shall not occupy more than 20% of the gross floor area of one floor of the dwelling unit, but these limitations shall not apply to foster family care.
 - (b) A home occupation shall not require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings.
 - (c) Vehicular traffic generated by the home occupation shall not be abnormal for local residential traffic volumes.
 - (d) Power shall be limited to electric motors with a total limitation of three horsepower per dwelling unit.
 - (e) The home occupation shall be conducted within the principal structure by resident occupants of the dwelling unit in which the occupation is conducted and shall have not more than one non-resident employee in the dwelling unit.
 - (f) All materials or equipment used in the home occupation shall be stored within an enclosed structure.
 - (g) No sign shall be permitted except as allowed by Section 12 of these regulations or unless required by State Statute. If required by State Statute, shall not exceed two feet in any one direction, shall not be illuminated and shall not be placed closer to the front property line than one-half the distance of the front yard.
 - (h) Parking generated by the home occupation shall not be permitted in the required front yard except that the existing driveways may be used.

- (i) There shall be no sales to customers on the premises except sales of goods incidental to the occupation or profession.
- (6) Junkyard, Salvage or Auto Wrecking Yard, or the Storage or Processing of Used Machinery, Building Material, Plumbing Fixtures or Appliances shall be permitted in the Industrial District only, provided that all exterior storage and processing areas are screened by a solid wall or fence at least six feet high so located as to prevent visibility from any thoroughfare or any residential, commercial, or industrial district.
- (7) Nursery School, Day Care Center, or Private Kindergarten shall maintain a wall or fence at least six feet high between any play area and any other property in a residential district.

[Pages Reserved]

SECTION 8. NONCONFORMING LOTS, STRUCTURES, AND USES OF LAND

16-801 Nonconformities.

- (1) General: Nonconformities are of four types: nonconforming lots of record, nonconforming structures, nonconforming uses, and nonconforming parking lots. A definition of each type is as follows:
 - (a) Nonconforming Lot of Record: An unimproved lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the adoption of these regulations, and neither said lot or parcel complies with the lot width or area requirements for any permitted use in the district in which it is located.
 - (b) Nonconforming Structure: An existing structure which does not comply with the height or yard requirements which are applicable to new structures in the zoning district in which it is located.
 - (c) Nonconforming Use: An existing use of a structure or of land which does not comply with the use regulations applicable to new uses in the zoning district in which it is located.
 - (d) Nonconforming Parking Lot: An existing parking lot which does not comply with the parking lot construction requirements which are applicable to new development in the zoning district in which it is located.
- (2) Nonconforming Lots of Record: The Codes Administrator shall issue a building permit for any nonconforming lot of record, provided that:
 - (a) Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations, and
 - (b) Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning regulations, and
 - (c) Said lot can meet all yard regulations for the district in which it is located, and
 - (d) Said lot can meet minimum code requirements.
- (3) Nonconforming Structures:
 - (a) Authority to Continue: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable yard and height regulations, may be continued, so long as it remains otherwise lawful.

SECTION 8–NON-CONFORMITY REGULATIONS

- (b) Enlargement, Repair, Alterations: Any nonconforming structure may be enlarged, maintained, repaired or remodeled; provided, however, no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure; provided further, existing mobile home parks not meeting the requirements of this ordinance shall be declared nonconforming and shall not be permitted to add spaces or make any improvements inconsistent with the terms and conditions of this ordinance.
 - (c) Damage or Destruction: In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than thirty three (33) percent of its market value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of thirty three (33) percent or less, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
 - (d) Moving: No nonconforming structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
- (4) Nonconforming Uses:
- (a) Authority to Continue: Any lawfully existing nonconforming use or part or all of a structure or any lawfully existing nonconforming use of land, may be continued, so long as otherwise lawful.
 - (b) Ordinary Repair and Maintenance:
 - (I) Normal maintenance and incidental repair, or replacement, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.
 - (II) Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.
 - (c) Extension: A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:
 - (I) Extension of such use to any structure or land area other than that occupied by such nonconforming use on January 22, 2001, the effective date of these regulations, (or on the effective date of

SECTION 8–NON-CONFORMITY REGULATIONS

subsequent amendments hereto that cause such use to become nonconforming).

- (II) Extension of such use within a structure to any portion of the floor area that was not occupied by such nonconforming use on January 22, 2001, the effective date of these regulations, (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming); provided, however that such use may be extended throughout any part of such structure that was lawfully and manifestly designed or arranged for such use on such effective date.
- (d) Enlargement: No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.
- (e) Damage or Destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than thirty three (33) percent of its market value, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is thirty three (33) percent or less, no repairs or restoration shall be made unless a building permit is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
- (f) Moving: No structure that is devoted in whole or in part to a nonconforming use and no conforming use of land shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.
- (g) Change in Use: If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special use be changed to another nonconforming use provided that the Board of Zoning Appeals either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with Section 9.2(c). Once a change is made to a more appropriate use, the use shall not be returned to the original use or a less appropriate use.
- (h) Abandonment or Discontinuance: When a nonconforming use is discontinued or abandoned for a period of twelve (12) consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.

SECTION 8–NON-CONFORMITY REGULATIONS

- (5) Nonconforming Accessory Uses: No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.
- (6) Nonconforming Residential Uses: Notwithstanding the provisions of Sections 8.4(c) and 8.4(d), any structure which is devoted to a residential use and which is located in a business or industrial district, may be remodeled, extended, expanded, and enlarged; provided that after any such remodeling, expansion or enlargement, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.
- (7) Nonconforming Mobile Home or Manufactured Home Parks: See Section 4 of these regulations.
- (8) Status of Special Uses:
 - (a) Status of Existing Special Uses: Where a use exists on January 22, 2001, the effective date of these regulations, and is permitted by these regulations only as a special use in the zoning district in which it is located, such use shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use in such zoning district. Such special use shall not be enlarged or expanded unless a special use application is approved as set out in Article 10 of these regulations.
 - (b) Status of Future Special Uses: Any use, for which a special use permit has been issued, as provided in these regulations, shall not be deemed to be a nonconforming.
- (9) Nonconforming Parking Lots:
 - (a) Authority to Continue: Any lawful existing nonconforming parking lot may continue so long as otherwise lawful.
 - (b) Enlargement and Repair: Any parking lot may be repaired; and if enlarged, by more than thirty three (33) percent, must be paved with hard surface for all parking areas, and if enlarged by greater than fifty (50) percent, must add curb and gutter to serve all parking areas.

SECTION 9.

16-901 Board of Zoning Appeals.

- (1) Board of Zoning Appeals Created. There is hereby created within and for the City of Eudora a Board of Zoning Appeals with the powers and duties as hereinafter set forth.
- (2) Membership. The Board of Zoning Appeals shall be composed of five members, citizens of the City of Eudora, each appointed by the mayor with the approval of the council for a term of three years; provided, however, that for the first appointment under the provisions of this Article, one member shall be appointed for a term of one year; two members shall be appointed for a term of two years; and two members shall be appointed for a term of three years. All appointments thereafter shall be for a term of three years.
 - (a) Not more than one member shall be appointed from the membership of the Planning Commission.
 - (b) The board shall elect a chairperson from its membership.
 - (c) If any board member shall be absent without cause as determined by the city council for three consecutive meetings, he or she shall thereupon cease to be a board member.
 - (d) Vacancies on the board shall be filled by appointment by the mayor and approval by the city council for the unexpired term.
 - (e) Members of the board shall serve without compensation for their service.
 - (f) The board shall appoint a secretary who may be an officer of the board or an employee of the city.
- (3) Procedure. The board shall adopt rules in accordance with the provisions of this Article. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing evidence presented, findings of fact and showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and shall be a public record. The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Article, or to effect any variation in this Article.
 - (a) In addition to completing a variance application and paying the application fee, any person wishing to be heard before the Board of

Zoning Appeals must have a legal land survey of the property in question completed by a licensed Kansas surveyor and provide this survey as evidence to the Board.

(4) Appeals.

- (a) The board of zoning appeals may hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination by the Codes Administrator. The Codes Administrator, when notified by the board or its agent, shall transmit to the board all the papers constituting the record upon which the action appealed from was taken. The appeal may be initiated by any person aggrieved, or by any officer, department, board or bureau of the city, within 30 days of the order or decision.
- (b) Procedure:
 - (I) Applications to the board for any type of appeal shall be made by filing with the officer from whom the appeal is taken and with the secretary of the Board of Zoning Appeals a notice of appeal specifying the grounds for the appeal. The filing fee shall be paid at the time the notice of appeal is filed; said fee is to be per building site.
 - (II) The board shall fix a reasonable time for the hearing of the appeal. The board shall cause to be published in the official paper of the city a notice as to the time, place, date and subject of the hearing for each application. Such notice shall appear at least once in the official paper no less than 20 days prior to the date of the hearing. Notice shall also be given to all parties of interest.
 - (III) An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certifies to the board by facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or a court of record on application and notice to the person from whom the appeal is taken.

(5) Powers.

- (a) Variances: The board may authorize in specific cases a variance from the specific terms of this Article which will not be contrary to the public interest and where, owing to special or unusual conditions, a literal enforcement of the provisions of this Article results in unnecessary hardship, and provided that the spirit of the article shall be observed, public safety and welfare secured and substantial justice done. Such variance shall not permit any use not permitted by this Article in a zoning

district. A request for a variance may be granted in such case; upon a finding of the board that all of the following conditions have been met:

- (I) That the variance request arises from such conditions which are unique to the property in question and which are not ordinarily found in the same zone or district; and such conditions are not created by an action or actions of the property owner or applicant;
 - (II) That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
 - (III) That the strict application of the provisions of this Article of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
 - (IV) That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
 - (V) That granting the variance desired will not be opposed to the general spirit and intent of these regulations.
- (b) Exceptions: The board may authorize in specific cases, the following exceptions:
- (I) To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
 - (II) To interpret the provision of this Article where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made part of this Article.
 - (III) To grant exceptions to the off-street parking requirements set forth in Section 16-501, when it is determined that the size and shape of the lot to be built on is such that off-street parking provisions could not be complied with, and that the proposed use will not create undue traffic congestion in the adjacent streets.
 - (IV) To grant exceptions to the side yard requirements for accessory detached private automobile garages on a lot where a conforming dwelling existed at the time of passage of these regulations; provided, however, that no detached garage shall be permitted to be closer than 60 feet to the front property line or to be located closer than 10 feet to a dwelling located on an adjacent lot.
 - (V) To permit the expansion of a building housing a nonconforming use which meets the following conditions:
 - (i) The nonconforming use is listed as a "permitted use" in C-Districts, as defined in this Article.

- (ii) The expansion will not adversely affect any property in the area in which it is located.
 - (iii) The area of expansion shall not be to an extent exceeding a total of 1,000 square feet to the existing building or structure, unless the building or structure is changed to a conforming use.
 - (iv) The existing building or structure housing the nonconforming use shall be altered or improved so that it will conform to the construction of the expanded facility and will be of uniform architectural design.
 - (c) Standards: In exercising the above mentioned powers the board may, in conformance with the provisions of this Article, reverse or affirm, wholly or partly, or may modify the order, requirements, decisions, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken. In considering all appeals from rulings made under this Article, the board shall in making its findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion in the public streets; upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon other factors relating to the public health, safety, comfort, morals, and general welfare of the people of the city. Every ruling made upon any appeal to the board shall be accompanied by a written finding of fact based upon the testimony received at the hearing afforded by the board, and shall specify the reason for granting or denying the appeal.
- (6) Appeal to District Court.
- (a) An appeal from any action, decision, ruling, judgment, or order of the board of zoning appeals may be taken by any person or persons, jointly or severally, or any taxpayer, or any officer, department, board, or bureau of the City of Eudora to the district court by filing notice of appeal with the city clerk and with the board of zoning appeals within 30 days from the filing of the decision of the board. Such appeal shall determine the reasonableness of any such order or determination. Upon filing of the notice of appeal as herein provided, the board shall forthwith transmit to the court clerk of the county the original or certified copy or ruling of the board.
 - (b) An appeal to the district court from the board of zoning appeals stays all proceedings in furtherance of the action appeal from, unless the chairperson of the board of appeals, from which the appeal is taken certifies to the court clerk, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be

granted by the district court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of this Article, and upon notice to the chairperson of the board of zoning .appeals for which the appeal is taken, and upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review.

SECTION 10. ADMINISTRATION

16-1001 Administration.

- (1) Amendments.
 - (a) Authority. The city council may amend this Article by changing the boundaries of districts or by changing any other provision thereof whenever the public necessity and convenience and general welfare require such amendment in accordance with procedure outlined in this Article.
 - (b) Application: Who May Initiate Action. Amendment may be initiated by the city council, or the Planning Commission. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the amendment may be initiated by application of the owner of property affected. Any such application for amendment, if in accordance with the land use element of the Eudora comprehensive plan, shall be presumed to be reasonable. The application shall be filed with the city clerk on a form provided therefore.
- (2) Application Fee: Each application by a property owner shall be accompanied by a review fee per building site as set forth in the City's pass-through fee ordinance (Ordinance #831).
 - (a) For each zoning classification change sought, no part of the application fee shall be returnable to the applicant.
 - (b) Accompanying Data. An application for an amendment shall be accompanied by drawings and any data necessary to demonstrate that the proposed amendment is in general conformance with the Eudora comprehensive plan and that public necessity, convenience, and general welfare require the adoption of the proposed amendment. Each application for an amendment to the zoning districts map shall be accompanied by a current certified list of the names and mailing addresses of all property owners within 200 feet of the exterior boundaries of the area proposed to be altered. If the property subject to the proposed zoning amendment is located adjacent to or outside the city's limits, the current certified list shall contain the names and addresses of all property owners within 1,000 feet of the exterior boundaries of the area proposed to be altered.
- (3) Procedure for Public Hearing and Notice. All applications for an amendment to the zoning laws shall first be submitted to the Planning Commission for recommendation and report. Upon the development of tentative recommendations, the Planning Commission shall hold a public hearing thereon and shall cause an accurate general written summary to be made of the proceedings thereof.
 - (a) Notice of Public Hearing. The secretary of the Planning Commission shall cause a notice of such public hearing to be published at least once in the

official newspaper of the city no less than 20 days prior to the date of the public hearing. Such notice shall fix the time and place for such hearing and shall contain a statement regarding the proposed changes in regulations or restrictions or in the boundary or classification of any zone or district. If any such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be described by legal description and general street location. In addition to the public hearing notice, a written notice of such proposed change shall be mailed to all the owners of lands located within 200 feet of the area proposed to be altered as such owners are listed on the current certified list accompanying the application. If the property subject to zoning amendment is located adjacent to or outside the city's limits, the area of notification shall extend to at least 1,000 feet in the unincorporated area. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission or city council. Such notice is sufficient to permit the Planning Commission to recommend amendments to zoning regulations which affect only a portion of the land described in the notice or which give all or any part of the land described a zoning classification of lesser change than that set forth in the notice.

- (4) Table of Lesser Change. The following table is for the use of the Planning Commission in determining when republication of an application for zoning district amendment is required. This Table of Lesser Change lists zoning classifications in ascending order, from the least intense zoning district to the most intense zoning district. The Planning Commissioner may modify, at its discretion, an application for zoning district amendment to a particular district by recommending a zoning district amendment to a district of lesser intensity, as determined by the Table of Lesser change.

Zoning District	Lesser District
RA	
RS	
RT	RS
RE	RS
RM	RS
C	
DC	
I	

- (5) Planning Commission Action. At the public hearing held to consider a proposed zoning district amendment, an opportunity shall be granted to interested parties to be heard. At the conclusion of the public hearing the Planning Commission shall prepare its recommendations and shall, by an affirmative vote of a majority of the full membership of the commission, either recommend adoption or denial of the proposed amendment, supplement, or change. Such adoption

may be adopted with conditions attached to the approval. If the Planning Commission fails to make a recommendation on a zoning district amendment request, the Planning Commission shall be deemed to have made a recommendation of disapproval. Such recommendation, along with an accurate written summary of the hearing thereon, shall be submitted.

- (6) Matters to be Considered. In order to recommend approval or disapproval of a proposed zoning district amendment, the Planning Commission shall determine whether the application is found to be generally compatible with surrounding development and suitable for development in the proposed district based upon the following matters to be considered:
- (a) Character of the neighborhood.
 - (b) Consistency with the comprehensive plan and ordinances of the City.
 - (c) Adequacy of public utilities and other needed public services.
 - (d) Suitability of the uses to which the property has been restricted under its existing zoning.
 - (e) Length of time property has remained vacant as zoned.
 - (f) Compatibility of the proposed district classification with nearby properties.
 - (g) The extent to which the zoning amendment may detrimentally affect nearby property.
 - (h) Whether the proposed amendment provides a disproportionately great loss to the individual land owners nearby relative to the public gain.
- (7) Action of City Council on Planning Commission Recommendation. When the Planning Commission submits a recommendation for approval or disapproval of such amendment and the reasons therefore, the city council may:
- (a) Adopt such recommendation by ordinance with or without conditions attached to the approval;
 - (b) Override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the city council; or
 - (c) Return such recommendation to the Planning Commission with a statement specifying the basis for the city council's failure to approve or disapprove. If the city council returns the Planning Commission's recommendation, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit new and amended recommendation. Upon the receipt of such recommendation, the city council, by a simple majority thereof, may adopt

or may revise or amend and adopt such recommendation by the respective ordinance or resolution, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the city council following the Planning Commission's next regular meeting after receipt of the city council report, the city council shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly. The proposed zoning district amendment shall become effective upon publication of the respective adopting ordinance or resolution.

- (8) If such amendment affects the boundaries of any zone or district, the ordinance shall describe the boundaries as amended, or if provision is made for the fixing of the same upon an official map which has been incorporated by reference, the amending ordinance shall define the change or the boundary as amended, shall order the official map to be changed to reflect such amendment, shall amend the section of the ordinance incorporating the same and shall reincorporate such map as amended.
- (9) City Council Vote Under Protest. Regardless of whether or not the Planning Commission approves or disapproves a zoning amendment, if a protest petition against such amendment is filed in the office of the city clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed and acknowledged by the owners of record of 20 percent or more of any real property proposed to be rezoned or by the owners of record of 20 percent or more of the total area required to be notified by this act of the proposed zoning district amendment of a specific property, excluding streets and public ways, the ordinance or resolution adopting such amendment shall not be passed except by at least a 3/4 vote of all of the members of the Governing Body.
- (10) Time of Performance in Rezoning:
 - (a) In cases where the Planning Commission and governing body deem that time of development is a critical factor in protecting the public welfare in a zoning district amendment action, a time of performance may be included in the zoning district amendment ordinance. Such time allowed for performance shall be reasonable. Such time shall be not less than five years from the date of publication of the zoning district amendment ordinance for all zoning district amendments in RS districts and not less than two years from the date of publication of the zoning district amendment ordinance for all other zoning districts in the city. Such ordinance shall clearly state what constitutes performance in each case.
 - (b) The Planning Commission and governing body may publish notice and conduct a public hearing for purposes of determining whether or not a change in zoning district would, at any time, be in the public interest. The owner of the property in question shall be notified by registered mail of the proposed hearing not less than 20 days prior to the date of the hearing. Other notification and posting as required in this section shall be performed by the city and all proceedings shall be the same as for other zoning district amendment actions.

- (c) It shall be the purpose of this hearing to hear the owner and other interested parties and make a determination as to which of the following actions would be recommended to the governing body:
 - (I) Extend the time of performance to a specified date;
 - (II) Remove the time of performance section from that zoning district amendment ordinance;
 - (III) Rezone the land to another specific district. After the hearing the Planning Commission shall forward its recommendations to the governing body. The governing body will then act to approve or disapprove the recommended action, consistent with this Section.

16-1002 Enforcement.

Enforcement Officer. It shall be the duty of the Codes Administrator to enforce this Article through proper administrative channels and to refuse to issue any building or occupancy permit for any building or structure or the use of any premises which would violate any of the provisions hereof. Appeal from the decision of the Codes Administrator, or other designated officer, may be made to the board of zoning appeals as previously provided herein.

16-1003 Violation and Penalty.

- (1) Pursuant to the authority of K.S.A. 12-761:
 - (a) Any person, firm, or corporation who shall violate any of the provisions of this Article or fail to comply with any order or regulation, or who shall build in violation of any specifications of plans submitted and approved, or any certificate or permit issued thereunder, shall, for each and every violation and noncompliance respectively, be deemed guilty of a misdemeanor and upon conviction therefore shall be fined in a sum not to exceed \$500 for each offense or by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each and every day a violation is permitted to exist shall be deemed a separate offense.
 - (b) The City of Eudora shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce the adopted zoning regulations and to abate nuisances maintained in violation thereof. Whenever any building or structure is or is proposed to be erected, constructed, altered, converted or maintained or any building, structure or land is or is proposed to be, used in violation of any zoning regulations, the City, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or

use or to correct or abate such violation or to prevent the occupancy of such building, structure or land.

16-1004 Building Permits. This Article shall be enforced by the Codes Administrator. It shall be a violation of this Article for any person to change or permit change in the use of land or buildings or structures or to erect, alter, move, or improve any building or structure until a building permit or certificate of occupancy has been obtained under the following conditions:

- (1) Building Permits. The cost of all building permits issued by the city shall be the costs of building permits as set forth in the city's building code, current edition. The Codes Administrator will require every applicant for a building permit to furnish the plan information:
 - (a) A plot plan, drawn to scale, showing the exact size, shape, and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be repaired, altered, erected, or moved, and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities.
 - (b) A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing proposed building is designed to accommodate.
- (2) Additional information relating to the proposed improvement needed to determine compliance with these regulations.
 - (a) A survey prepared by an engineer or land surveyor registered in the State of Kansas of the boundaries of the lot on which the improvement is proposed to be located with each corner of the lot pinned.
- (3) Certificate of Occupancy: No change shall be made in the use of any land or building or structure after the passage of this Article until a certificate of occupancy is obtained from the Codes Administrator certifying that all of the provisions of this Article are complied with. Whenever a building permit is issued for the erection of a new building or structure, an occupancy permit shall be required.

16-1005 Limit on Applications for Substantially the Same Zoning Amendment.

- (1) No applications for an amendment, supplement, change or zoning district amendment by a landowner shall be accepted by the Planning Commission if any application for substantially the same zoning amendment has been either:
 - (a) Denied by the city council within the preceding 12 months; or
 - (b) Withdrawn after it has been advertised for public hearing within the preceding 12 months. The preceding 12 month period shall commence

from either the date of final action on the prior application or from the date the application was withdrawn.

- (2) The Planning Commission may waive the limitation in this section for good cause if there is a substantial change in the original application. All requests for an exemption from this section shall be submitted to the Planning Commission five days prior to a regularly scheduled meeting of the Planning Commission and shall be included on the agenda for that meeting as an agenda item. If the Planning Commission determines that the application constitutes a substantial change from the original application the item will be advertised and public hearing will be held at the next regularly scheduled meeting of the Planning Commission.

- 16-1006 Validity. Should any article, section, subsection, paragraph, clause or provisions of this Article be declared by a court of competent jurisdiction to be invalid or unconstitutional, the same shall not affect the validity of the article as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional. The city council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases be declared invalid.
- 16-1007 Land Disturbance or Grading Permit. No change of the land surface, including removing vegetative cover, excavation, filling, grading, and the construction of any structure shall be allowed without receipt of a Land Disturbance or Grading Permit from the Codes Administrator. Such change shall include removing vegetation cover, excavating, filling, and grading; except that, it shall not include agricultural activities such as planting, growing, cultivating, and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscape modifications.

[Pages Reserved]

SECTION 11. PERFORMANCE STANDARDS

16-1101 Wireless Communication Systems: Intent; Definitions. The City of Eudora regulates broadcast systems, cellular, commercial mobile radio services, common carrier wireless access exchange services, enhanced specialized mobile radio, functionally equivalent services, personal communication services paging, personal wireless services, public service and emergency systems, specialized mobile radio, tower builder, unlicensed wireless services, and wireless cable system in the public interest. These regulations do not apply to amateur radio uses or private dispatch systems.

16-1102 Definitions:

For the purpose of this section, certain terms or words used for Wireless Communication Systems shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

Amateur Radio: Radio equipment and associated antennas or support structures operated for the purpose of receiving or transmitting communications by a radio station as described in Section 153(g) of Title 47 of the U.S. Code and which is operated under license by the FCC.

Antenna: A whip (omni-directional antenna), panel (direction antenna), disc (parabolic antenna) or similar device used for transmission and/or reception of radio frequency signals.

Antenna Array: More than one whip, panel, disc or similar device used for the same carrier at the same frequency.

Applicant: A person or entity with an application before the City of County for a permit for a wireless communication facility.

AGL (above ground level): The actual height of the wireless communication facility from the ground to the highest part of the mount or the antenna, whichever is higher.

Broadcast Systems: Wireless communication systems that are licensed for the broadcast of AM/FM radio or television.

Camouflage: To paint or mount a wireless communication facility in a manner that requires minimal changes to the host structure and hides the facility in the context of its surroundings on the host structure.

Carrier: A company licensed by the Federal Communications Commission (FCC) that provides wireless communication. A tower builder is not a carrier.

Cellular: A personal wireless service capable of transmitting and receiving voice that operates in the 800 MHz spectrum.

Co-location: The use of a common wireless communication facility or common site by two or more carriers or by one carrier for more than one type of wireless

communication technology and/or placement of two or more wireless communication facilities on adjacent properties.

Commercial Mobile Radio Services (CMRS): Per Section 704 of the Telecommunications Act of 1996, any of several wireless communication technologies using radio signals at various frequencies to send and receive voice, data and video. According to the FCC, these services are “functionally equivalent services.” Section 704 of the Telecommunications Act of 1996 prohibits unreasonable discrimination among functionally equivalent services.

Common Carrier Wireless Exchange Access Services: Services by which wireless communication is interconnected with wired communication infrastructure.

Conceal: To enclose a wireless communication facility within a natural or man-made feature resulting in the facility being either hidden from view or made part of the feature enclosing it.

Design: The appearance of wireless communication facilities as determined by selection of materials, colors, size, and shape.

Disguise: To design and construct a wireless communication facility to be an architectural feature of an existing or proposed structure in such a manner that the wireless communication facility not discernible from the remainder of the structure.

Elevation: The measurement of height above sea level. Also AMSL, or above mean sea level.

Enhanced Specialized Mobile Radio (ESMR): Private land mobile radio with telephone services.

Equipment Shelter: An enclosed structure, cabinet, shed, or box at the base of or in the general proximity of a support structure within which are housed the equipment for the wireless communication facility such as radios, batteries, and electrical equipment.

Federal Communications Commission (FCC): An independent federal agency charged with licensing and regulating wireless communication at the national level.

Functionally Equivalent Services: Cellular, PCS, Enhanced Specialized Mobile Radio, Specialized Mobile Radio and Paging. Section 704 of the Telecommunications Act of 1996 prohibits unreasonable discrimination among functionally equivalent services.

Guyed Tower: Any type of support structure that is supported in whole or in part by cables anchored to the ground or other surface.

Lattice Tower: A type of support structure that consists of an open network of braces forming a tower that is usually triangular or square in cross section.

Location: The area where a wireless communication facility is located or proposed to

be located.

Modification: The changing of any portion of a wireless communication facility from its description in a previously approved permit. The FCC definitions for “modification” are different than local government rules.

Monopole: A type of support structure that consists of a vertical pole fixed into the ground and/or attached to a foundation.

PCS (Personal Communication Services): A personal wireless service capable of transmitting and receiving voice, data, text, and video messaging that operates in the 1850-1990 MHz range.

Paging: A personal wireless service that provides tone, text, and limited voice messaging that operates on several frequency ranges, usually in a limited geographic area.

Personal Wireless Services: Any personal wireless service defined in the Federal Telecommunications Act of 1996 which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and unlicensed wireless services, and common carrier wireless exchange access services.

Private Dispatch System: Wireless communication systems that are licensed to one user for exclusive use and not to be shared with, or leased to, other users.

Public Service and Emergency System: Wireless communication systems operated by or for a governmental agency for the delivery of emergency or other public services.

Radio Frequency (RF) Engineer: Someone with a background in electrical engineering or microwave engineering who specializes in the study of radio frequencies.

Radio Frequency Radiation (RFR): The propagation of electromagnetic waves through space.

Radio Frequency (RF) Signal: The actual beam or radio waves sent and received by a wireless communication facility. A signal is the deliberate product of a wireless communication facility. The RF emission is the byproduct.

Screening: Decorative fencing or other materials, evergreen vegetation, or landscaped earth berms constructed and maintained for the purpose of concealing a wireless communication facility from view.

Separation: The distance between one carrier’s antenna array and another carrier’s antenna array.

Site: That portion of a subject property where a wireless communication facility is to

be placed. Any acceptable location may have several potential sites within it.

Siting: The method and form of placement of wireless communication facilities on a specific area of a subject property.

Specialized Mobile Radio (SMR): A form of dispatch or two-way communication used by companies that rent space or time from an SMR carrier. Used primarily for delivery vans, truckers or taxis within a small, definable geographic area.

Support Structure: The structure or surface upon which antennas are mounted.

Roof-mounted. Mounted on the roof of a building.

Side-mounted. Mounted on the side of a building.

Ground-mounted. Mounted on the ground.

Structure-mounted. Mounted on a structure other than a building.

Tower: Generally used to describe all wireless communication facilities or sometimes is used to refer only to those wireless communication facilities at high elevations above grade. Also used as a modifier (e.g., tower builder) or when modified (e.g., lattice tower).

Tower Builder: A company or individual that builds or manages support structures for wireless communication facilities.

Unlicensed Wireless Services: Wireless communication services operating on public domain frequencies using duly authorized devices which do not require an FCC license for their sites.

Wireless Cable System: Wireless communication services that provide point-to-multipoint communication for the provision of voice, data, text, and video that operate in the 2.1 to 2.8 GHz range.

Wireless Communication: Comprehensive term describing the wireless services covered by the location/design guidelines of the Plan. Includes the following terms as defined herein: broadcast systems, cellular, commercial mobile radio services, common carrier wireless access exchange services, enhanced specialized mobile radio, functionally equivalent services, personal communication services paging, personal wireless services, public service and emergency systems, specialized mobile radio, tower builder, unlicensed wireless services, and wireless cable system. Does not include amateur radio or private dispatch system.

Wireless Communication Facility: Comprehensive term describing the facilities covered by the location/design guidelines of the Plan. Includes the following terms as defined herein: antenna, antenna array, equipment shelter, guyed tower, lattice tower, location, monopole, site, support structure, and tower.

16-1103 Zoning Districts; Limitations: The term “guidelines” is used in recognition that deviations from these guidelines can be considered on a case-by-case basis, if consistent with the general spirit and intent of this Regulation.

SECTION 11 PERFORMANCE STANDARDS

- (1) The following wireless communication facilities are permitted by right in any zoning district, subject to the issuance of a building permit, if they conform to the Location/Design Guidelines in this section.
 - (a) In non-residential zoning districts, new facilities that are concealed in or mounted on top of or the side of existing buildings (excluding single-family and duplex residences) and other structures, including support structures up to 20 feet above the building, or the maximum height permitted in the underlying zoning district, whichever is greater.
 - (b) In any zoning district, modification and/or replacement of support structures (light poles, flag poles, electrical poles, private dispatch towers, etc.) that are not significantly more visible or intrusive, including cumulative height extensions of up to ten (10) percent above the original structure height.
- (2) The following wireless communication facilities are allowed in non-residential zoning districts, only, and as uses permitted upon review, subject to the issuance of a building permit, if they conform to the Location/Design Guidelines in this section.
 - (a) New or modified lattice towers no larger than 18 inches wide on any side up to 60 feet in height measured from grade.
 - (b) New disguised ground-mounted facilities up to 85 feet in height.
 - (c) New ground-mounted facilities up to 120 feet in height in any I Industrial District.
- (3) If the Codes Administrator determines that the wireless communication facility does not conform to the Location/Design Guidelines, the building permit shall be denied. Denied building permits may be appealed to the Board of Zoning Appeals.

16-1104 Location/Height Guidelines: The term “guidelines” is used in recognition that deviations from these guidelines can be considered on a case-by-case basis, if consistent with the general spirit and intent of this Regulation.

- (1) There shall be no nighttime lighting of or on wireless communication facilities except for aircraft warning lights or similar emergency warning lights required by applicable governmental agencies. No strobe lights shall be used. Lighting for security purposes should be permitted at the base of wireless communication facilities. Temporary lighting for nighttime repairs is permitted.
- (2) No signs shall be allowed on an antenna support structure other than those required by applicable governmental agencies.
- (3) At the time of requesting a Permit for a new ground-mounted wireless communication facility, the applicant shall demonstrate to the satisfaction of the approving authority that:

- (a) There is no available space on existing or approved wireless communication facilities or other structures that can be utilized to meet the applicant's communication needs; and,
 - (b) There is no other economically and technically feasible opportunity to modify or rebuild an existing structure on which the communication equipment may be located (a rebuilding opportunity will be considered economically feasible if the cost of rebuilding an existing facility is no more than the cost of building a new facility on a new site).
- (4) At the time of requesting Permit for a wireless communication facility, the owner of a proposed new undisguised ground-mounted wireless communication facility, and the owner of the land, if not the same, shall agree in writing that:
- (a) The support structure is designed, and the ground area is adequate or can be made adequate, to accommodate at least one (1) other carrier, if more than eighty (80) feet in height, and at least two (2) other carriers, if more than 100 feet in height;
 - (b) Reasonable accommodations will be made to lease space on the facility to other carrier so as to avoid having a proliferation of support structures that are not fully utilized; and,
 - (c) The owner(s) will make available in the future the opportunity for another party to pay the cost to modify or rebuild the structure to support additional communication equipment where economically and technically feasible. Lattice towers no larger than 18 inches on any side are excluded from the co-location requirements of subsection a) of this paragraph.
- (5) The owner shall be responsible for the removal of unused facilities, including the uppermost 20% of support structures that are unused (except where removal of the uppermost 20% would require the removal of a lower portion the support structure that is in use, in which case the required removal will be raised to the next highest portion of the support structure not in use), within 60 days if the wireless communication facility, or a portion thereof, has been unused for 12 consecutive months. If such a facility or portion of a facility is not removed by the owner, then the City may employ all legal measures, including, if necessary, obtaining authorization from a court of competent jurisdiction, to remove it, and after removal may place a lien on the subject property for all direct and indirect costs incurred in its dismantling and disposal, including court costs and reasonable attorney fees. Under this paragraph, "owner" includes both the owner of the real property and the owner of the wireless communication facility, whether such ownership is divided or in the same person.
- (6) New support structures shall not be located in the flight paths of local airports where they would constitute a potential hazard to air safety.

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- (7) All wireless communication facilities shall comply with all federal, state, and local rules and regulations. Wireless communication providers are particularly encouraged to seek the following new locations for new facilities:
- (a) Mounted on top or the side of multistory buildings and other structures, appropriately concealed, screened, disguised or camouflaged.
 - (b) On existing poles in street rights of way, including telephone poles, electrical transmission and distribution poles, street lights, and traffic signal stanchions; on existing parking lot and athletic field/stadium light standards; and on modified or rebuilt poles that are substantially similar in appearance.
 - (c) On existing support structures, including those constructed for personal wireless services, AM/FM radio and television broadcast, school district microwave antennas and private dispatch systems.
 - (d) In wooded areas.
 - (e) At certain City owned properties, where the size and nature of the use does not interfere with other functions and allows for compatible siting; these may include water towers, large park areas, sewer treatment plant sites and maintenance yards.

16-1105 Design Guidelines: The term “guidelines” is used in recognition that deviations from these guidelines can be considered on a case-by-case basis, if consistent with the general spirit and intent of this Regulation.

- (1) As a general rule, the less visible and obtrusive a proposed wireless communication facility is, the more acceptable it will be to the community. The visibility of facilities can be minimized by techniques such as concealment, disguise, camouflage, and sensitive design and siting. Specific guidelines include:
- (2) Preserving the pre-existing character of the area as much as possible.
- (3) Minimizing the height, mass or proportion of the facility to minimize conflict with the character of its proposed surroundings.
- (4) Minimizing the silhouette presented by new support structures and antenna arrays. Generally, monopoles are favored over lattice-type support structures to a height of at least 150 feet, and antennas mounted flush to the support structure are favored over triangular “top-hat” antenna arrays.
- (5) Using colors, textures and materials that blend in with the existing environment; under some circumstances, surfaces should be painted, or otherwise treated, to match or complement existing background structures and surfaces, or the sky, as appropriate, and to minimize reflection. Painting support structures red and white may also be necessary to avoid strobe lighting that would otherwise be required by applicable governing agencies.

- (6) Concealing facilities within potential space in or on existing structures, or disguised to look like another type of facility, like a flagpole, clock tower, or church steeple.
- (7) Placing facilities in areas where trees and/or buildings obscure some or all the facility from view, and installing new plantings/screening around the site where visible from major street or residential areas.
- (8) Placing facilities on existing walls, flush-mounted, or on roofs building (excluding single-family and duplex) and structures, up to 20 feet above the existing structure, as opposed to building new ground-mounted support structures. Facilities on rooftops generally should be set back from roof edges or screened from view.
- (9) Screening equipment shelters and cabinets through landscaping, walls and/or fencing, as appropriate to the surroundings and generally consistent with the City's screening regulations. In most cases, ground-level equipment should respect the setbacks for accessory uses in the applicable zoning district and be enclosed by 6-8 foot height security fencing, of a material compatible with its surroundings. Equipment should be encouraged indoors if space is available nearby. Burying equipment in an underground vault, to keep most of the equipment out of sight, may be necessary in rights of way and in some other visually/environmentally sensitive locations, such as tourist attractions, historic landmarks/districts, museum district, river corridor, and other locations of civic importance or architectural significance.
- (10) Ground level shelters/equipment appropriately screened and generally landscaped with trees and/or shrubs, should be permitted on lots adjacent to rights of way, to facilitate the use or reconstruction of utility poles in those rights of way.
- (11) Permitting lighting on facilities only if required by federal regulations, and not by strobes (except by variance).

16-1106 Submittal Requirements. The following information shall be submitted at the time of filing an application for a building permit.

- (1) General:
 - (a) Name/signatures of applicants, owners of land and/or facilities if different, and agents if any.
 - (b) Written statement acknowledging and agreeing to the responsibilities under the zoning code (e.g. allowing co-location opportunities on the support structures and at ground level; allowing modification/rebuilding of support structures; removal upon abandonment, etc.).
- (2) Siting and design:

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- (a) A one-inch-equals-200 feet vicinity plan, dimensioned and identifying existing buildings, trees, and other features within 200 feet of the wireless communication facility.
- (b) A one-inch-equals-200 feet site plan, dimensioned.
- (c) Typical elevations of all facility elements, dimensioned.
- (d) Specification of all exterior materials and colors, with drawings, photos or samples as appropriate.
- (e) Landscape/screening plan, with all materials and sizes specified.
- (f) Appearance shown by at least two photo-simulations for proposed facilities that do not adhere to the location/design guidelines or facilities located in designated visually/environmentally sensitivity locations.

- 16-1120 Wind Energy Conversion Systems (WECS)
- 16-1121 Purpose. The City of Eudora regulates Wind Energy Conversion Systems (WECS) for the purpose of accommodating the development of wind power resources in the City while providing standards to protect the public health, safety and general welfare.
- 16-1122 Definitions. For the purpose of this section, and in addition to words defined in other sections of these regulations, certain terms or words used in this subsection of these regulations shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

Facility Owner: the entity or entities having equity interest in the Wind Energy Conversion System, including their respective successors and assigns.

Hub Height: The distance from the base of the tower to the center of the hub to which rotors are connected.

Meteorological Tower: Temporary towers erected by WECS owner-applicants to measure wind speed and directions, as well as other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports or similar structures to monitor weather conditions.

Operator: The entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

Property line: The boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the facility owner/developer and landowner.

Rotor diameter: The diameter of the circle described by the moving rotor blades.

Substations: Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 V (35 KV) for interconnection with high voltage transmission lines.

Total height: The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

Turbine Height: The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

Tower: Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

Tower height: The total height of the WECS exclusive of the rotor blades.

Transmission Line: Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail

customers. In a commercial WECS, a transmission line will carry electricity from the WECS substation to the point of interconnect (POI).

Wind Energy Conversion System (WECS): An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and metrological towers, which operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid. Categories of WECS are distinguished for regulatory purposes as follows:

1. Micro-WECS: A WECS of up to 10.0 kW name plate generating capacity or less and utilizing supporting towers of 60 feet or less.
2. Commercial-WECS: A WECS of more than 10.0 kW and less than 100 kW in total name plate generating Capacity.
3. Large-capacity Commercial-WECS: A WECS greater than 100 kW in total name plate generating capacity.
4. Alternative-WECS: A WECS other than a standard turbine-mounted propeller-type blade system, such as a vertical axis or a horizontal axis wind conversion system, a helix wind turbine, or similar alternative design.

Wind Energy Facility: a WECS.

Wind Turbine (or Turbine): Any piece of electrical generating equipment that converts the kinetic energy of wind into electrical energy through the use of airfoils or similar devices to capture the wind, and includes the nacelle, rotor, tower, and pad transformer, if any.

16-1123 Applicability. Circumstances Requiring Application of the WECS Regulations.

- (1) No WECS shall be considered for a building permit without first being granted approval by the City for a Use Permitted Upon Review (UPUR) as provided in this Section; except that, the regulations in this Section shall not apply to:
 - (a) Large-capacity Commercial-WECS, which shall be prohibited within the City corporate limits; and
 - (b) A subdivision or re-subdivision of land, or a lot split for a micro-WECS that meets all other requirements of these regulations, which may be approved administratively.
- (2) Any physical modification to a permitted WECS that materially alters the size, type and number of Wind Turbines or other equipment shall require approval under the same Zoning procedures as an original application. Like-kind replacements shall not require a permit modification.
- (3) The Planning Commission or Governing Body, when considering a UPUR for a WECS, shall have the ability to grant a deviation from these standards subject to

review and approval of detailed information submitted by the applicant illustrating the need and justification for the deviation.

16-1124 General Provisions. The following general provisions apply.

- (1) **Damage to Public Property.** Applicants shall be held liable for any damage to public roads or rights-of-way resulting from tower construction, deconstruction, and/or maintenance activity.
- (2) **Tower Design.** No lattice structures shall be permitted. All tower structures shall be of self-supporting, monopole construction; except that, a wind turbine designed to be attached to a structurally reinforced roof shall not require a self-supporting monopole design where such support is not warranted, provided that the roof-mounted turbine height is no greater than one half the height of a standard two-story building.
- (3) **The UPUR for a WECS** is to run with the land, not with the UPUR applicant; provided, however, if the land or WECS ownership is transferred to another party, then the UPUR is to be transferred from the approved party to the new land owner or WECS owner; provided further, that said transfer is approved by the City.
- (4) If a surety bond has been required as a condition of Commercial-WECS approval, first party shall inform the second party of the surety bond and all other requirements of the UPUR. The second party or new holder of the UPUR shall meet the surety bond requirements and all other requirements of the UPUR, subject to "Abandonment and Removal" provisions of these regulations. A transfer fee per turbine, as established by the City in a fee ordinance, shall be paid to the City as a condition of City transfer of the UPUR to the new holder.

16-1125 Standards and Regulations. All WECS shall meet or exceed the following standards:

- (1) **Federal and State Regulations.** All WECS shall meet or exceed State and Federal standards and regulations.
- (2) **Electrical Codes and Standards.** All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards. All electrical wires associated with a WECS shall be located underground except for those wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires. Wherever possible collection cables will be placed underground. When necessary collection cables may be placed above ground.
- (3) **Collection Lines.** All communications and collection lines, equal to or less than 34.5kV in capacity, installed as part of a WECS shall be buried wherever possible.

- (4) Clearance. The minimum distance between the ground and any part of the rotor blade system of a Commercial-WECS shall be 30 feet. The blade tip clearance for Micro-WECS shall, at its lowest point, have a ground clearance of not less than 25 feet.
- (5) Self-Support Structures. All tower structures shall be of monopole construction unless attached to a structurally reinforced roof where such support is not warranted. Meteorological towers may be guyed. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of 8 feet above the ground. Visible fencing shall be installed around anchor points of guy wires.
- (6) Tower Access. All access doors to the tower and electrical equipment shall be lockable. If access doors are not lockable the supporting tower shall be enclosed with a six foot tall fence with a locking portal placed around the tower's base or the tower climbing apparatus shall be limited to no lower than 12 feet above ground level.
- (7) Signage. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment and WECS facility entrances. Signs and/or logos shall be limited to the manufacturers, installer's, or owner's identification and appropriate warning signs. Commercial advertising is prohibited.
- (8) Building code compliance. All wind turbines shall meet or exceed the current standards expressed in the adopted building codes. A building permit is required prior to the installation of any wind turbine.
- (9) Utility connections. Reasonable efforts shall be made to locate utility connections from the wind turbine(s) underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider. For electrical transformers with a 40 footprint greater than two (2) square feet in area, landscaping shall be provided where necessary to substantially screen the structure from public view and/or the view of adjacent homeowners. Maintenance of all landscaping shall be the responsibility of the property owner.
- (10) Electrical wires. All electrical wires associated with a wind turbine shall be located underground except for those wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires.
- (11) Safety Shutdown. No wind turbine shall be permitted that lacks an automatic braking, furling, or feathering system to prevent uncontrolled rotation, over-speeding and excessive pressure on the tower structure, rotor blades, and turbine components. Owner shall maintain the ability to shut down turbines in an emergency.

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- (12) Lighting. Wind turbines shall not be artificially lighted except as required by the FAA and as necessary for safety and security purposes. Except as required by the FAA any lighting shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- (13) Color/Finish. Wind turbines, exclusive of the towers, shall be painted a non-reflective, non-obtrusive color such as the manufacturer's default color option or a color that conforms to the environment and architecture of the community.
- (14) Alternative-WECS. For regulatory purposes the standard turbine-mounted, propeller-type blade WECS shall be the basis for these regulations. Alternative-WECS shall be evaluated by the standards that are applicable to standard turbine-mounted, propeller-type blade WECS that are found to be in the same category of WECS; and by the manufacturers' published installation standards as to noise, setback and related matters for the health, safety and welfare of the public.

16-1126 Size and Lot or Parcel Restrictions. The wind turbines constructed under these regulations shall meet the following size and setback restrictions:

WECS Type	Minimum Lot or Parcel Size	Maximum Turbine Height	Minimum Setback *	Enhanced Requirements
Micro-WECS	1-acre	60 feet	110% of the Turbine Height	None
Commercial-WECS	2-acres	150 feet	110% of the Turbine Height	Sect. 16-1130
Large-capacity Commercial-WECS	Prohibited			

* Measured from the closest adjacent lot line or parcel line or above ground public utility.

16-1127 Applications for Commercial-WECS. The following items shall be submitted in support of an application for a Commercial-WECS; except that, the City may require additional technical studies deemed necessary to fully evaluate the application, such as a noise study or geotechnical report:

- (1) Name of the project applicant(s), facility owner(s) and operator(s).
- (2) Legal description and address of the project.
- (3) Documentation of land ownership or legal control of the property.
- (4) Description of the project including: model, size, number, type, nameplate generating capacity, rated power output, tower height, rotor material, rotor diameter, performance, safety, and noise characteristics of each wind turbine being proposed; also, tower and electrical transmission equipment, and total height of all wind turbines and means of interconnecting with the electrical grid.

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- (5) A site development plan utilizing a standard engineering scale not to exceed 1:100, indicating the placement of the wind turbine(s) and distances from the proposed turbine location to existing buildings including purpose (e.g. residence, garages, barns, etc.), any above-ground utilities, the nearest tree(s), and all property lines; and including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures.
- (6) Meteorological tower information, if applicable, including location, height, and appearance.
- (7) Digital pictorial representations of “before and after” views (photo simulation or similar graphic display) from key viewpoints as may be required by the City.
- (8) Certification by the manufacture’s engineer or another qualified engineer that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
- (9) Proof of compliance with Airport Hazard Regulations in accordance with Federal Aviation Administration (FAA) and Kansas Department of Transportation (KDOT) Aviation Section standards under FAR Part 77, “Objects Affecting Navigable Airspace.”
- (10) A noise compliance summary statement to demonstrate that the wind turbine will not exceed noise standards of these regulations, except for during short-term events such as utility outages and severe windstorms. The noise summary shall include:
 - (a) A description and map of the project’s noise producing features, including the range of noise levels expected, and the basis for such expectations.
 - (b) A description and map of the noise sensitive environment, including any sensitive noise receptors (e.g. residences, resident care facilities, libraries, schools, and other facilities where quiet is important or where noise could be a nuisance) within one thousand (1,000) feet.

16-1128 Applications for Micro-WECS. The following items shall be submitted in support of an application for a Micro-WECS:

- (1) Name of the project applicant(s), facility owner(s) and operator(s).
- (2) Legal description and address of the project.
- (3) A plot plan utilizing a standard engineering scale not to exceed 1:100, indicating the placement of the wind turbine(s) and distances from the proposed turbine location to existing buildings including purpose (e.g. residence, garages, barns, etc.), any above-ground utilities, the nearest tree(s), and all property lines.

SECTION 11 PERFORMANCE STANDARDS

- (4) Turbine information: specific information on the type, model, size, height, rotor material, rated power output, performance, safety, and noise characteristics of each wind turbine being proposed, tower and electrical transmission equipment.
- (5) A noise compliance summary statement to demonstrate that the wind turbine will not exceed noise standards of these regulations, except for during short-term events such as utility outages and severe windstorms.
- (6) Drawings of the electrical components in sufficient detail to allow for a determination that the manner of electrical wiring is in compliance with the manufacturer's specifications
- (7) Any other data that the City may require of the applicant for the proposed wind turbine structure, including the tower, base, and footings in sufficient detail to allow for a determination that the proposed Micro-WECS shall meet all the aforementioned standards. The City may require an engineering analysis of the tower showing compliance with the manufacturer's specifications.

16-1129 Use Limitations. All WECS shall comply with the following use limitations:

- (1) Noise. The noise emitted from any wind turbine shall not exceed 50 dbA within 100 feet of the nearest property line, except during short-term events such as utility outages and severe windstorms.
- (2) Materials, signs and markings. Structures for wind turbines shall be self-supporting tubular towers painted a neutral color such as a white or pale gray. No lattice structure shall be used. No logos or advertisements are allowed on these structures. Each turbine shall be marked with a visible identification number located no higher than fifteen (15) feet above ground level.
- (3) Electromagnetic interference. No individual tower facility shall be installed in any location where its proximity with fixed broadcast, retransmission or reception antenna for radio, television or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception. In the event the WECS and its associated facilities or its operations cause such interference, the facility owner(s) and/or operator(s) shall take timely measures necessary to correct the problem.
- (4) Separation requirements. If two or more ground-mounted wind turbines are located on one lot, they shall be separated by a distance 110 percent of the total height of the tallest wind turbine on the lot.

16-1130 Removal after Disuse of a Commercial-WECS. Upon disuse by the facility owner(s) and operator(s) of a Commercial-WECS for a continuous period of fifteen (15) months, the turbine shall be considered abandoned, and the owner(s) of such wind turbine shall remove the WECS within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. The following additional conditions and procedures shall apply:

- (1) The Facility Owner and Operator shall, at their expense, complete decommissioning of the turbine.
- (2) Decommissioning shall include removal of turbines and any associated buildings, cabling, electrical components, roads, and all other associated facilities. Foundations of turbines shall be removed to a depth of four (4) feet below the ground surface. Any access roads shall be removed to the landowner's satisfaction, and the ground shall be reseeded in grasses; except that, requirements to remove access roads shall not apply to roads in existence before the WECS application was filed. The landowner may choose to have access roads left intact with the approval of the City.
- (3) If such turbine and associated facilities are not removed within said ninety (90) days, the City may remove them at the owner's expense.

SECTION 11 PERFORMANCE STANDARDS

16-1140 Solar Collectors

16-1141 Purpose. To permit solar collectors in all zoning districts provided the following performance standards are met.

16-1142 Standards. All solar collectors shall meet or exceed the current standards expressed in the adopted building codes.

- (1) A building permit is required prior to the installation of any solar collector system.
- (2) Installation on a pitched roof:
 - (a) Roof-mounted solar collectors located on front or side building pitched roofs shall not extend above the peak of the roof plane on which they are mounted, and no portion of any such solar collector shall extend more than 24 inches perpendicular to the point on the roof where it is mounted.
 - (b) Roof-mounted solar collectors located on the rear side of building roofs shall not extend above the peak of the roof plane on which they are mounted, and no portion of any such solar collector shall extend more than four (4) feet perpendicular to the point on the roof where it is mounted.
- (3) Installation on a flat roof:
 - (a) Roof-mounted solar collectors may be mounted on a flat roof at an optimum angle to the sun for maximum energy production when the building parapet or roof design provides full screening of the solar panels from public streets.
 - (b) For installation of roof-mounted solar collectors on flat-roof buildings without parapets, panels shall be placed in the most obscure location without reducing the operating efficiency of the collectors, such as the center of the roof. The panels shall be installed at the same angle or as close as possible to the pitch of the roof. Associated equipment may be permitted on the roof, provided it is screened from view of the public street. Solar collector panels are exempt from the screening provision of this subsection.
- (4) Installation on the side of a building:
 - (a) In any planned zoning district or in any district requiring site plan approval, the construction or installation of any solar collection system on the side of a building shall be subject to either Final Development Plan approval or Site Plan approval by the City.

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- (b) Wall-mounted solar collector panels shall not extend more than five (5) feet to the furthest extension of the solar collection panels from the wall plane on which they are installed.
 - (c) Wall-mounted solar collector panels shall not extend more than 25 percent into any required side setback or 50 percent into any required rear setback. No part of the system shall extend into any required front setback.
 - (d) Wall-mounted solar collectors shall not extend above the top of the wall on which they are mounted.
- (5) Ground-mounted installation:
 - (a) Ground-mounted solar collectors shall not exceed eight (8) feet in total height and shall be located within the rear yard at least 12 feet inside the property line.
 - (b) All lines serving a ground-mounted solar collector shall be located underground.
- (6) Parking lot light pole installation:
 - (a) The mounting height for parking lot light fixtures shall not exceed 33 feet as measured to the top of the fixture from grade.
 - (b) Twenty (20) percent of the height of the light pole may be added above the light fixture for the purpose of installing a solar collector panel.
 - (c) The overall height of the parking lot light pole and solar collector shall not exceed 40 feet. Any necessary solar collector appurtenances shall be painted to match the light pole and fixture.

SECTION 12: SIGN REGULATIONS

16-1201 Title. This article shall be known as the “Sign Regulations” and may be cited as such, and may be referred to as the “sign code.”

16-1202 Purpose.

- (1) These sign regulations are adopted under the zoning authority of the City in furtherance of the more general purposes set forth in the zoning ordinance. The purposes of these sign regulations are:
 - (a) to encourage the effective use of signs as a means of communication in the city;
 - (b) to maintain and enhance the aesthetic environment and the City’s ability to attract sources of economic development and growth;
 - (c) to provide for a desirable and attractive living environment through harmonious and uniform signage;
 - (d) to improve pedestrian and traffic safety;
 - (e) to minimize the possible adverse effect of signs on nearby public and private property;
 - (f) to provide for the fair and consistent enforcement of these sign restrictions.
- (2) It is the purpose of this code to provide minimum standards to safeguard life, health, property, property values and public welfare by regulating and controlling the quality of materials, construction, location, installation and maintenance of signs, in addition to the number, size, sign type, and type of illumination of all signs and sign structures located on private property.

16-1203 Applicability and Zoning District Requirements.

- (1) Every sign shall conform to the requirements of this code, irrespective of when such sign was established within the City limits unless otherwise allowed for in these sign regulations. Any sign shall, by definition, be a structure. No sign shall be erected, enlarged, constructed or otherwise installed without first obtaining a sign permit, and a sign permit shall be legally issued only when in compliance with this sign regulation. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial.
- (2) Zoning District Requirements. Signs are allowed in each zoning district as provided in *Table 2: NON-RESIDENTIAL SIGNS BY STRUCTURAL TYPE AND ZONING*, and *Table 3: SIGNS PERMITTED BY ZONING DISTRICT*. The Appendices list requirements by numbers of signs allowed (per structure or on each premises), size, height, setbacks, and illumination. The cells in the tables

SECTION 12 SIGN REGULATIONS

list exclusively permitted signs and standards; except that ground signs, elevated signs, and monument signs are mutually exclusive: one sign is allowed, only, per premises.

- (3) Nonconformities. Nonconforming signs may be considered for variance by the Board of Zoning Appeals.
- (4) Sign Code Text Amendments. These regulations shall be amended only upon receipt of a recommendation of the Eudora Planning Commission, which shall be submitted to the City Council only after a public hearing in the same manner as for a zoning ordinance text amendment.

- 16-1204 Severability. In any case where a provision of this code is found to be in conflict with a provision of any other ordinance or other legislation of the City existing on the effective date of this code, the provision which establishes the higher standard for the promotion and protection of the safety, welfare and health of the people shall prevail. If any part of this code should be declared invalid for any reason, such decisions shall not affect the remaining portions of this code.
- 16-1205 Hierarchy of Enforcement. In any case where a requirement of this Article is in conflict with another Article of the zoning regulations, the stricter requirement shall apply.
- 16-1206 Historic Preservation Commission. In any case where a requirement of this Article applies to premises in the purview of the City of Eudora Historic Preservation Commission, such requirement shall be subjected to that commission's review in whatever procedure is applicable by law prior to issuance of a sign permit and, if applicable, prior to submission to another city board for review.
- 16-1207 Definitions of Terms Pertaining to Signs. Any word or phrase, which is defined in this section, shall have the meaning assigned to it by the section whenever the word or phrase is used in these sign regulations. See Section 12-1208 for definitions and/or descriptions of *Functional Types* and *Structural Types* of signs.
- (1) AWNING: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, walkway, or window from the elements. Awnings are often made of fabric or flexible plastic supported by a rigid frame, and may be retracted into the face of the building.
 - (2) ELEVATION: A depiction or drawing to scale showing horizontal and vertical elements of a building or structure, including but not limited to walls, roof lines and other architectural features.
 - (3) FAÇADE: The front of a building or any of its sides facing a public way or space, especially one distinguished by its architectural treatment.
 - (4) FREESTANDING: A structure permanently attached to the ground and that is wholly independent of any building or other structure. The term "freestanding sign" includes, but is not limited to, *ground signs* and *monument signs*.
 - (5) FULLY ILLUMINATED: Any structure that is illuminated by an external or internal light source that is visible.

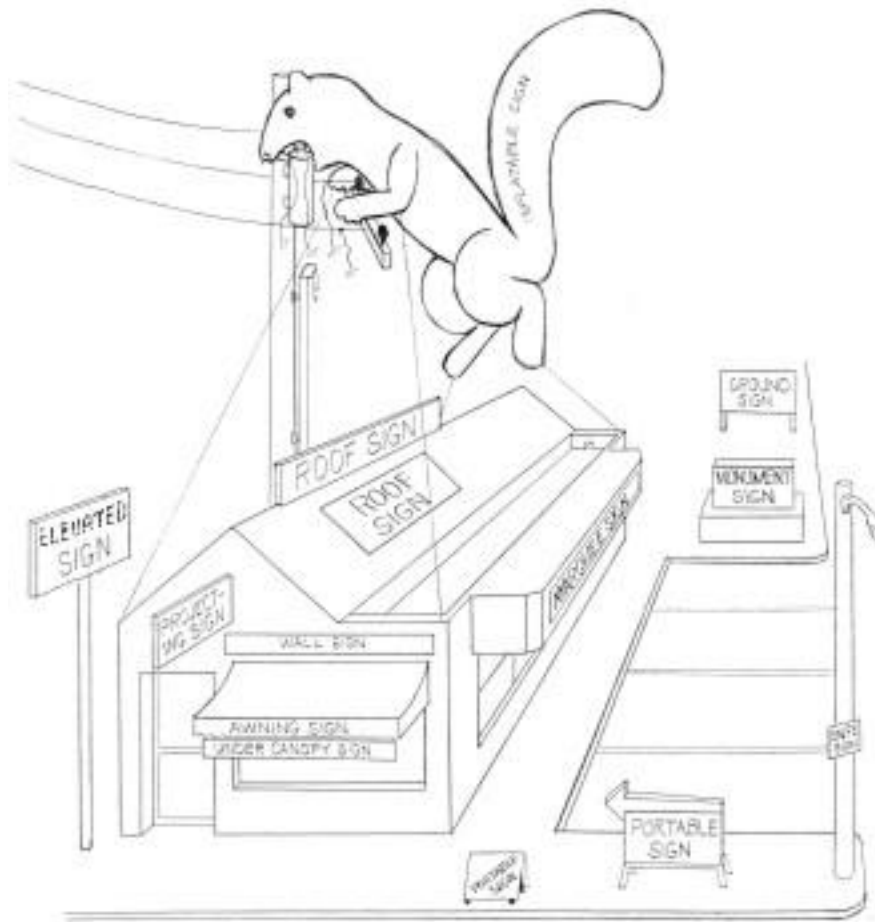
- (6) **ILLUMINATED:** See Fully Illuminated, Indirectly Illuminated and Internally Illuminated.
- (7) **INDIRECTLY ILLUMINATED:** Any structure that is partially or completely illuminated at any time by an external light source that is shielded to not be visible at eye level.
- (8) **INTERNALLY ILLUMINATED:** Any structure that is illuminated internally over its entire area by use of electricity or other artificial light.
- (9) **MARQUEE:** A roof-like structure, often bearing a sign, projecting over an entrance, as to a theater.
- (10) **MONOLITHIC BASE:** A solid support of a sign face the width of which is no less than 50 percent of the sign face width.
- (11) **MULTI-FACED:** A sign structure that contains two (2) or more sign face surfaces that are located on different sides of the structure and are separated from each other at their nearest point by no more than three (3) feet.
- (12) **MULTI-TENANT NONRESIDENTIAL DEVELOPMENT:** A single office, commercial or industrial parcel that is designed or intended for occupancy by two or more businesses.
- (13) **PARCEL:** A lot or contiguous group of lots under single ownership, or under single control usually considered a unit for purposes of residence, development, and/or business.
- (14) **PREMISES:** A lot or parcel, together with all buildings and structures thereon.
- (15) **SEASONAL BASIS:** The culturally accepted period for observance of religious, national, or state holidays.
- (16) **SIGN:** Any object, device, display, or structure, or part thereof, that is used to advertise, identify, display, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Signs are accessory structures to the principal structure or use on a parcel.
- (17) **SIGN FACE:** The area or display surface as defined in these regulations.
- (18) **SIGN HEIGHT:** The vertical distance to the highest point of a sign structure, as measured from the average grade at the base of the structure or directly below a projecting structure.
- (19) **SIGN STRUCTURE:** All elements of a sign, including the sign face, background or decorative elements related to the presentation of the sign's message, and the structural supports.

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- (20) **TEMPORARY EVENT:** An activity having a specific duration, the sign for which shall be placed upon initiation of the temporary event, and removed within a specified period after termination of the event.
- (21) **TENANT:** One who possesses or occupies land or buildings by title, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.

16-1208 Definitions of Functional and Structural Sign Types. Table A presents the type, maximum number, size, height, and other restrictions relating to specific signage that are permitted by right in each zoning district.

Figure 12.1
EXAMPLES OF CERTAIN PERMITTED AND PROHIBITED SIGNS



(1) Functional Sign Types

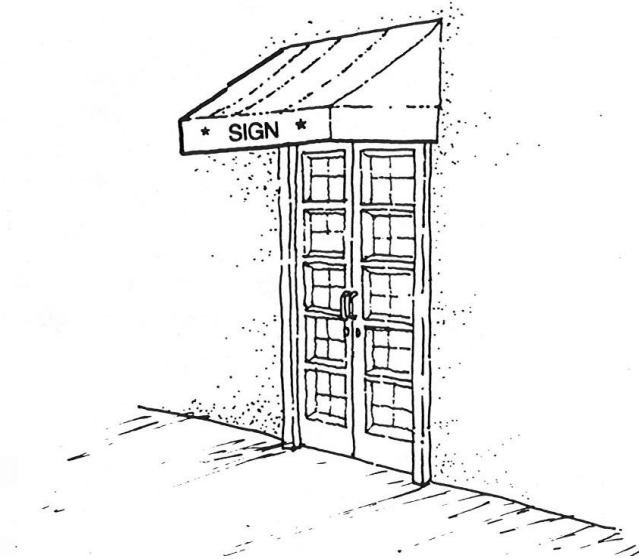
- (a) **Animated signs:** Electronic signs with computer-generated animation that are components of otherwise permitted signs for a principal land use on the premises where the sign is placed; and whose message does not attract the attention of viewers through flashing displays.
- (b) **Attention Attracting Device:** Any flasher, blinker, animation, or other object displayed temporarily to attract the attention of the public to a temporary event.
- (c) **Banners:** A temporary sign of lightweight fabric or similar material that is mounted to a pole or building. Promotional banners may be used to announce open houses or grand openings, or special events.
- (d) **Bulletin Board Sign:** A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name or names or persons connected with it, and announcement of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.
- (e) **Business Sign:** A sign which directs attention to a business or profession conducted, or to products, services or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.
- (f) **Construction Sign:** A temporary sign indicating the names of the architects, engineers, landscape architects, contractors and similar artisans involved in the design and construction of a structure, complex or project only during the construction period and only on the premises on which the construction is taking place.
- (g) **Electronic Message Board:** A type of sign that presents its message through illumination of intermittent, or moving lights forming the letters, numbers, or symbols of the message, whether or not the message appears to move across the sign face.
- (h) **Entrance/Exit Sign:** A sign used to safely direct vehicular traffic into or out of a parcel or to or from a business via a driveway from a street if each sign complies with the following:
 - (I) Entrance/exit signs may be located at driveways that provide access into or from the parcel.
 - (II) There shall be no more than two (2) signs per driveway.
 - (III) Each sign shall not exceed six (6) square feet in sign area nor be more than two and one-half (2½) feet in height.

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- (i) Identification Sign: A sign giving the name and address of a structure, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.
 - (j) Incidental Sign: An announcement or other display providing information about the occupancy or conduct of business permitted on a premises, such as logos of credit cards accepted on the premises, hours of operation, a “closed or “open” sign, emergency contact name and phone number, street address, “help wanted”, “no loitering or solicitations”, security system notices, notices required by law and similar information.
 - (k) Inflatable Sign: A sign that is intended to be expanded by air or other gas for its proper display or support.
 - (l) Name Plate Sign: A sign giving the name and/or address of the owner or occupant of a structure or premises on which it is located and, where applicable, a professional status.
 - (m) Off-premise sign: Any sign not on the premises for which it advertises.
 - (n) Pole sign: A freestanding sign attached to a bare pole, as distinct from an “elevated sign.”
 - (o) Project Entrance Sign: A sign located at a discernible entrance into a particular subdivision, development, or office or industrial park.
 - (p) Real Estate Sign: A temporary sign pertaining to the sale or lease of a lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof on which the sign is located.
 - (q) Snipe Sign: A sign not otherwise allowed by these regulations that is attached to a fence, tree, temporary structure, utility pole or any other public property, except those placed by agencies of the federal, state or local government.
 - (r) Temporary Event Sign: Sign for a temporary event as defined in these regulations provided they comply with the conditions of these regulations.
- (2) Structural Sign Types
- (a) Awning, Canopy or Marquee Sign: A sign that is mounted on, painted on, or attached to, an awning, canopy or marquee. No such signs shall project above, below or beyond the awning, canopy or marquee.

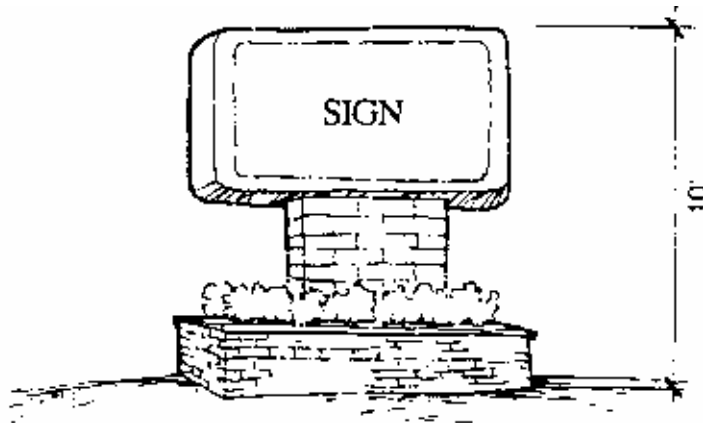
SECTION 12 SIGN REGULATIONS

**Figure 12.2
CANOPY SIGN**



- (b) Ground Sign: Any sign placed upon, or supported by, the ground independent of the principal structure on the parcel, where the bottom edge of the sign is less than six feet above the ground, and the support structure is no less than 50 percent of the width of the face of the sign, presenting a monolithic base.

**Figure 12.3
GROUND SIGN**

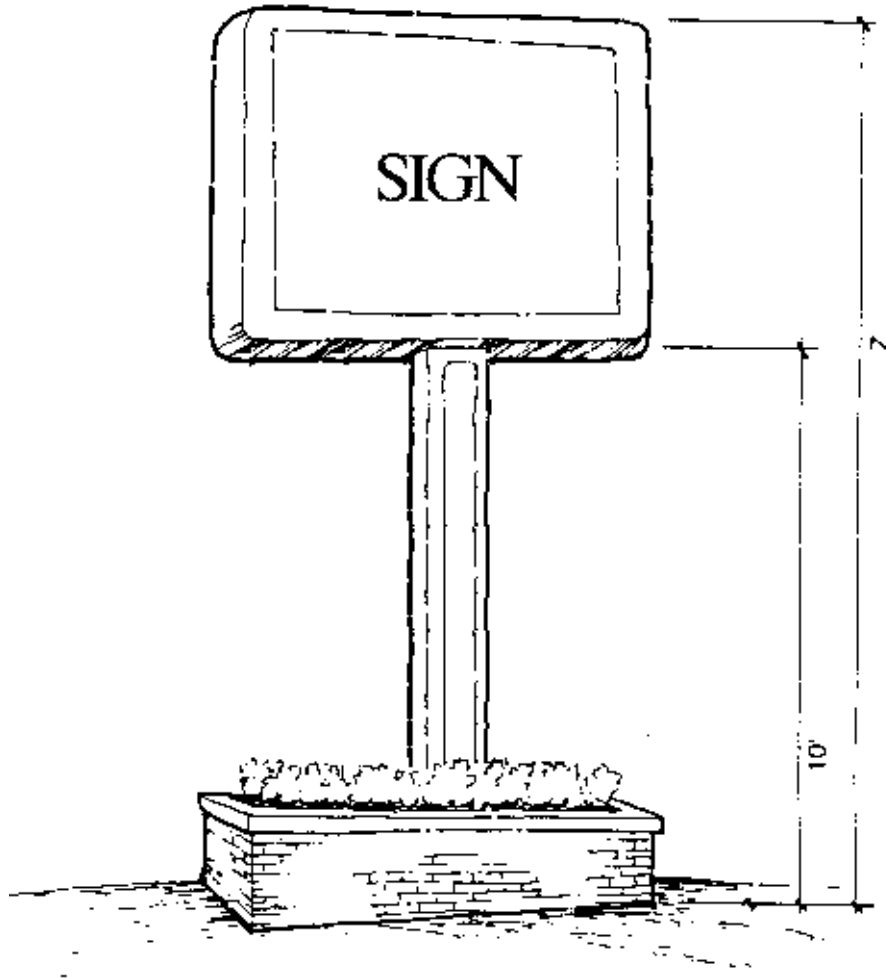


- Maximum height Varies by Zoning District.
- Planter is optional in industrial districts.
- Landscaping is required. The landscaping shall extend no less than three feet from the base of the sign.

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- (c) Elevated Sign: Any sign placed upon, or supported by, the ground independent of the principal structure on the parcel where the bottom edge of the sign is ten feet or more above the ground level, and where the support structure is other than a bare pole.

Figure 12.4
Elevated Sign

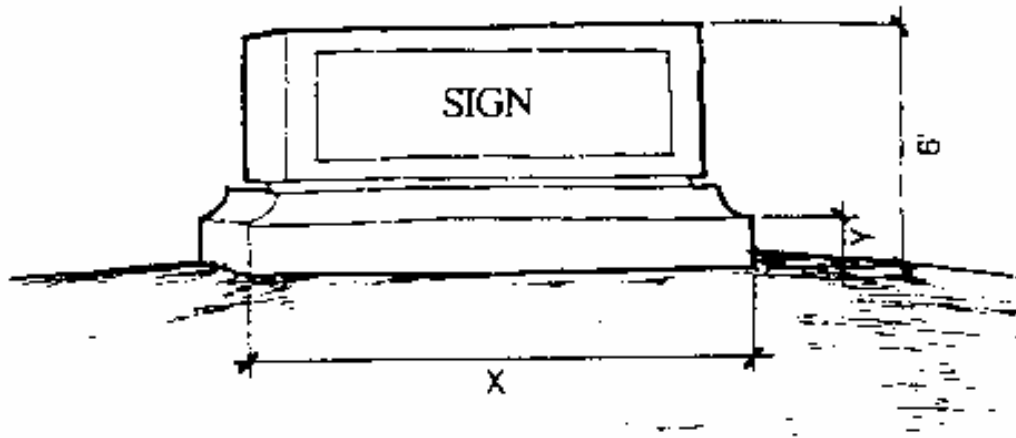


- Z = Maximum height Varies by Zoning District. See Table. Height is measured from the base elevation of the street frontage.
- Landscaping is required in other than industrial zoning districts.
- The support structure must be other than a bare pole and present a monolithic appearance.

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- (d) Monument Sign: Any sign whose base is greater in width than the face of the sign, and whose height is no greater than six (6) feet.

Figure 12.5
Monument Sign



- $X = \pm 110\%$ of the width of the sign face.
- $Y = \pm 10\%$ of the width of the sign face.
- 6' maximum height.
- Landscaping is required in other than industrial zoning districts. The landscaping shall extend no less than three feet from the base of the sign.

(I) *Subdivision Monument Signs. All subdivision monument signs shall comply with the following regulations.*

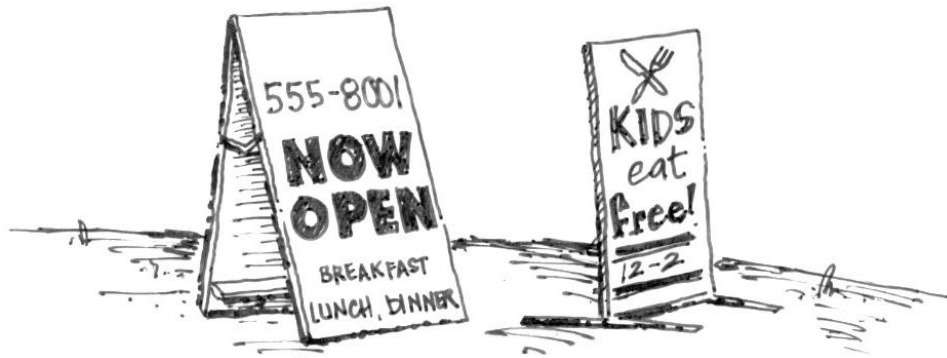
- (i) *Materials.* All subdivision monument signs shall have a masonry or concrete substructure with surfaces of clay brick, split-face concrete block, stone, or stucco; or shall have similar durable construction materials; and the surfaces shall not be painted. Wood shall not be used.
- (ii) *Lighting.* Any lighting shall be designed to minimize glare in all directions to the greatest extent possible. High intensity lights, such as floodlights, shall not be used to illuminate the sign.
- (iii) *Landscaping.* Landscaping is required at the base of the sign that blends the sign into the environment. The proposed landscaping shall be identified at the time a sign permit is requested, and the proposed landscaping shall be subject to approval by the City with the sign permit. The landscaping shall not block the sign face area.
- (iv) *Plat Easement or Tract.* The subdivision plat shall dedicate an easement for access to a lot or parcel for the express and sole

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purpose of erecting and maintaining a subdivision monument sign; or if dedicated to a homes association, designate a "Subdivision Monument Sign Tract" with sign maintenance vested with a homes association.

- (e) **Temporary Freestanding Sign:** A sign that is intended to be easily moved and that is not permanently affixed to a structure or the ground, including but not limited to a-frame, t-frame and sandwich-board signs. Banners on t-posts are not included in this definition.

Figure 12.6
Temporary Freestanding Sign



- (f) **Portable Display Sign:** A movable display, capable of relocation, under its own power, or towed by a motor vehicle. The display message of the sign may be painted or non-painted and capable of being readily altered. Portable display signs may be with or without electrical illumination, power or wheels.

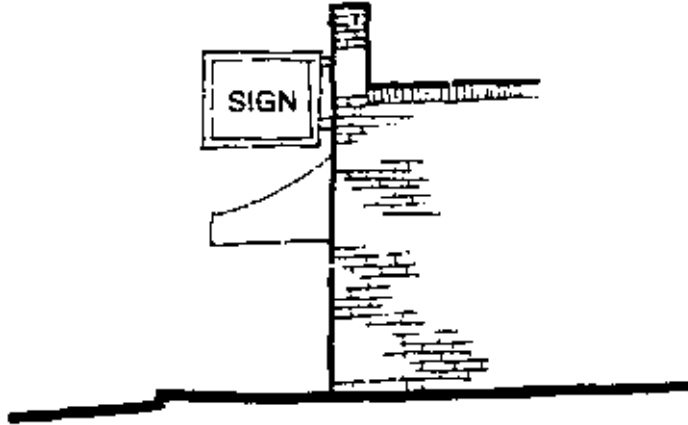
Figure 12.7
Portable Display Sign



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- (g) **Projecting Sign:** A sign that is wholly or partly dependent upon a structure for support and which projects more than twelve (12) inches from such structure. Projecting signs shall not project more than five and one-half (5½) feet beyond the face of the building. Projecting signs shall be a minimum of ten (10) feet above the level of any sidewalk from the bottom of the sign.

Figure 12.8
Projecting Sign



- (h) **Roof Sign Elevated/Projecting:** A sign totally supported on the roof of a structure, not including flush-mounted logo roof signs. Elevated/projecting roof signs shall not project more than 12 inches beyond the face of the structure. In no case shall an elevated/projecting roof sign project more than 10 feet beyond the highest point of the portion of the roof on which the sign is located (compare to "flush-mounted logo roof sign"), and shall not project above the top ridge line of the main roof.

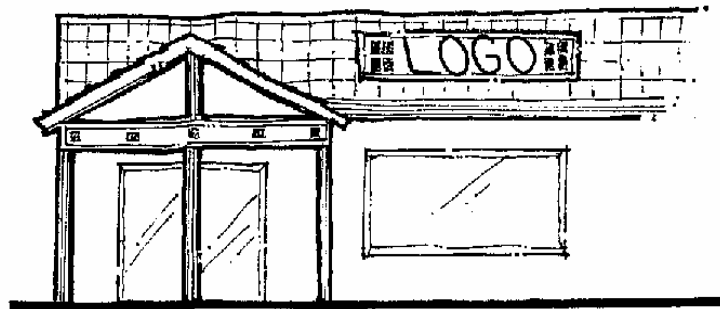
Figure 12.9



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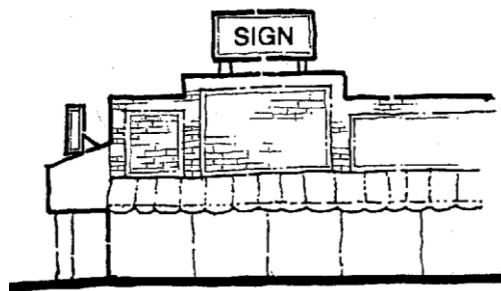
- (i) **Roof Sign Flush-Mounted Logo:** A sign totally supported on the roof of a structure that displays the logo of the tenant of such structure. Flush-mounted logo roof signs shall be mounted parallel to and flush with the roof's surface. In no case shall a flush-mounted logo roof sign project above the highest point of the roof (compare to "elevated/projecting roof sign").

Figure 12.10
Roof Sign Flush Mounted



- (j) **Roof-Top Sign:** A sign totally supported on the top of the roof of a structure, no portion of which is below the ridge of the roof or, on a flat roof, below the main roof line.

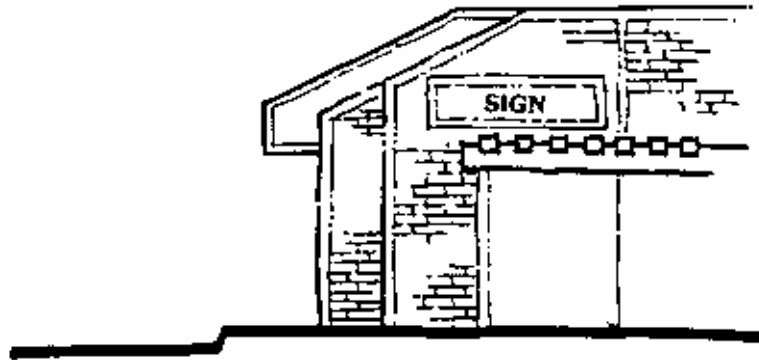
Figure 12.11
Roof-top Sign



SECTION 12 SIGN REGULATIONS

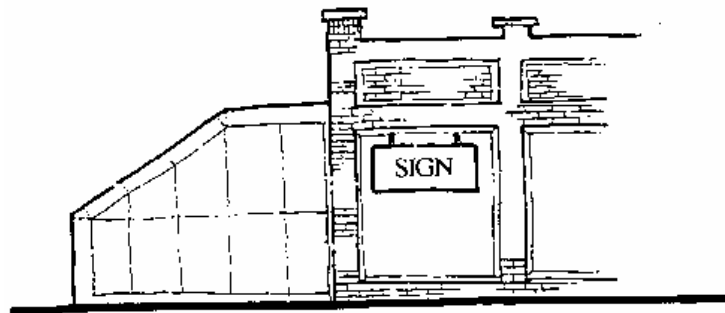
- (k) Wall Sign: A building-mounted sign either attached to or displayed or painted on an exterior wall in a manner parallel with the wall surface and not projecting from such surface more than 12 inches.

Figure 12.12
Wall Sign



- (l) Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Figure 12.13
Window Sign



- 16-1209 Exemptions. The following signs are exempt from the restrictions and regulations imposed by the Sign Regulations as specified herein. (See list of signs exempted from permit requirements in the next section.)

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- (1) Total Exemptions. The following signs shall be exempt from the requirements of this article, except for the provisions of Sections 16-1204 above:
- (a) *Integral Product Logos.* Brand names or logos on products, product containers, or dispensers that are an integral part of the product or the product's packaging.
 - (b) *Urban Design.* A building design, color, or motif that is associated with a particular establishment or organization, but that conveys no commercial message.
 - (c) *Official signs:* Signs placed by a governmental body, governmental agency, or public authority, such as traffic signs, signals, or regulatory devices or warnings; official emblems, public notices, or official instruments; or regulatory signs having to do with health, safety, parking, swimming, dumping, etc.; or signs of historical interest; signs designating areas of architectural or historical significance or gateways; or temporary communitywide event signs, including banners on public utility pole brackets placed by public entities for public events; or other properties controlled by such governmental body, agency, or authority.
 - (d) *Property address sign:* A sign limited in content to the street name and address number of the building or property to which it is affixed, provided that the sign consists of lettering no larger than five (5) inches in height on a building or three inches on a mailbox.
 - (e) *Legal posting:* A sign intended to convey a legal right or restriction on a property, such as a "no trespassing" or "no hunting" sign; a sign intended to warn the public of a bona fide danger on the property, such as "beware of the dog" sign; or a sign placed by order of a court or by a governmental official in the normal course of their duties, such as posting of a legal notice or a "building condemned" sign.
 - (f) Flags or emblems of a government or of civic, philanthropic, educational or religious organization, displayed on private property.
 - (g) Memorial signs and tablets displayed on private property.
 - (h) Small signs, not exceeding three square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances, and other similar signs; except that such signs shall not display logos or other business advertisements.
 - (i) Scoreboards and special event sponsorship signs in and on athletic stadiums.

SECTION 12 SIGN REGULATIONS

- (j) Temporary signs for the sale of household goods at a residence (for example, garage sales or auctions).

- (2) Exemptions from Sign Permit. The following signs are exempt from the sign permit section of this article, but shall comply with all of the other regulations imposed by this article:

- (a) Name plate signs for a single-family or two-family dwelling.
- (b) Business signs when located on property used for agricultural purposes and pertaining to the sale of agricultural products produced on the premises.
- (c) On-site real estate signs.
- (d) Window signs.

(See list of totally exempted signs in prior section.)

- 16-1210 Prohibited Signs. The types of signs listed below are prohibited and may be removed by the City of Eudora at any time and without notice if on the public rights-of-way; or otherwise, through adopted regulatory enforcement proceedings.

- (1) *Snipe Signs*
- (2) *Sound or Smoke Emitting Signs*: Signs that emit or utilize in any manner any sound capable of being detected on any traveled street or highway by a person with normal hearing; or signs that emit smoke, vapor, particles, or odors.
- (3) *Pole Signs*
- (4) *Portable Display Signs*
- (5) *Moving/Flashing Signs*
- (6) *Off-premises Signs*, other than *Temporary Off-site Promotional Real Estate Development Signs*; *Official Signs*; and *Temporary Public Interest Events Signs*
- (7) *Roof-top Signs*

- 16-1211 Amortization of Certain Signs. The types of signs listed below are prohibited; except that, legally erected existing signs—because of their more substantial construction and the economic investment in them by their owners—may remain until removed by the owner of the parcel on which the prohibited sign is located, or by the operator of the business for which the sign is displayed. Any sign not removed within the time period listed may be removed by the City of Eudora through standard regulatory enforcement proceedings:

SECTION 12 SIGN REGULATIONS

- (1) *Pole Signs*: seven years from the adoption of these sign regulations, if not brought into compliance or removed upon termination or relocation of the subject business.
- (2) *Portable Display Signs and Moving/Flashing signs*: one year from the adoption of these sign regulations.

16-1212 Temporary Event Signs. Temporary event signs shall be erected and maintained in a safe and attractive manner and shall be subject to applicable regulations except as specifically modified herein.

- (1) Duration. The temporary event sign may be placed upon initiation of the temporary event, and must be removed within a specified period after termination of the event. Initiation and termination of particular events shall be interpreted as follows:
 - (a) *Public Election Campaign*. Initiation upon the last day of qualification of candidates or certification of a ballot question and termination upon the election of a candidate to office or resolution of a ballot question.
 - (b) *Real estate sale or lease*. Initiation upon the actual availability of the property or premises for sale or lease, and termination upon execution and acceptance of a final contract for the real estate transaction.
 - (c) *Building construction or remodeling*. Initiation upon issuance of a building permit and termination upon issuance of the certificate of occupancy or approval for connection to electric power for the work authorized by the building permit.
 - (d) *Business Promotion /Event Signs*. Yearly permitted use for commercial businesses to promote special products or special events. Businesses are allowed up to twelve (12) events per year, and a particular promotion/event may not exceed six (6) weeks from the date the sign was established. Such signs shall require a sign permit to be obtained from the City Codes Administrator. Initiation is upon filing of business promotion/event sign permit and will terminate one (1) year after the permit has been recorded.
 - (e) *Public Interest Events*. Time-limited events sponsored by or benefiting a nonprofit organization may display temporary offsite signs four (4) weeks prior to the event initiation. The signs shall be removed upon completion of the event, not to exceed twenty-eight (28) days per event or four (4) events per year for each organization. Such signs shall require a sign permit to be obtained from the City Codes Administrator. Proof of 501(c)(3) nonprofit status shall be required at the time of application for a sign permit, and the filing fee shall be waived. Signs for events meeting the above criteria shall be subject to the following requirements:

SECTION 12 SIGN REGULATIONS

- (I) Sign area shall not exceed twenty-four (24) square feet per face with a maximum of two (2) faces per sign;
 - (II) Sign height shall not exceed four (4) feet;
 - (III) Signs shall only be placed on private property provided that prior written permission has been obtained from the owner of the property;
 - (IV) Signs may not be placed in any street right-of-way, alley, median, highway interchange, public park or at other publicly owned facilities, and may not be placed on any utility poles, light poles, or street signs;
 - (V) Offsite signs shall be placed at least ten (10) feet from the back of the curb, or at least one (1) foot behind a sidewalk, whichever is greater;
 - (VI) Signs shall not be lit in any manner;
 - (VII) No more than four (4) total offsite signs shall be permitted for any one event; and
 - (VIII) Signs shall not impede the sight lines at any intersection, or ingress/egress point for a property.
- (2) Number of temporary event signs. Only one (1) temporary event sign related to each temporary event may be located on a parcel at any one time, unless otherwise restricted; except that, multiple signs on a property shall be permitted if multiple participants each have unique signs for the temporary event; and except that, one additional temporary freestanding sign may be displayed per street side.
- (3) Size of temporary event signs. Unless otherwise restricted:
- (a) *Single- and two-family Residential Districts.* Temporary event signs located on properties occupied by or zoned for residences shall not exceed six (6) square feet in area and three (3) feet in height. Temporary freestanding sign gross face area shall not exceed nine (9) square feet.
 - (b) *Multifamily and Nonresidential Districts.* Temporary event signs located on properties occupied by or zoned for nonresidential uses shall not exceed thirty-two (32) square feet in area and six (6) feet in height; except that inflatable signs may be larger. Temporary freestanding sign gross face area shall not exceed sixteen (16) square feet.
- (4) Construction. Construction of temporary event signs shall meet commonly accepted design parameters, as well as construction and materials standards for each sign type, and shall be removed if found to be a threat to the health, safety and welfare of the public by City Zoning and Building Officials; except that electrified temporary signs shall meet electrical codes.

16-1213 General Requirements Applicable to all Signs.

(1) Conformance to Building Codes

- (a) In addition to the Sign Permit required by this Chapter, a building permit shall be obtained from the Code Inspector prior to installation or placement of any freestanding sign having a sign structure area of thirty-two (32) square feet or greater. All signs for which a building permit is required shall be constructed and maintained in conformance with all Building Code and Electrical Code requirements.
- (b) Plans required for issuance of a building permit for a sign shall be certified as to conformance with all structural and wind-load resistive standards of the Building Code by a structural engineer registered in the State of Kansas, or be prepared using standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of the Building Code.
- (c) All signs involving internal lights or other electrical devices or circuits shall display a label certifying it as being approved by the Underwriter's Laboratories, Inc.
- (d) All electrical service to a sign shall comply with the Electrical Code.
- (e) Clearance from all electrical power lines shall conform to the requirements of the Electrical Code.

(2) Sign Maintenance

- (a) All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair and, unless constructed of galvanized or non-corroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.
- (b) All signs shall be maintained in accordance with all City ordinances, including ordinances concerning nuisances and vegetation.

(3) Sign Limitations

- (a) Sign Height: Sign height shall be measured from the ground elevation at the base of the sign to the highest element of the sign.
- (b) Signs Indirectly Illuminated: Indirectly illuminated signs shall not allow light to spill directly onto neighboring property.
- (c) Time/Temperature Signs: A sign which displays the current time and/or temperature by use of intermittent lighting shall limit the lighting changes to text indicating time and/or temperature.
- (d) Animated Signs: Electronic animated signs may be permitted as a component of a sign in conjunction with a primary use on the property where the sign is placed. Electronic message panels and animation

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shall be permitted only where they convey changing information directly related to the use of the principal structure on the premises. The applicant may propose, and the City may condition its approval to require operational limitations, such as hours of operation, mode of operation, brightness or frequency of display change, and other matters related to the health, safety and welfare of the public. No electronic message panel shall be permitted unless the Governing Body determines that the following conditions will be met:

- (I) The message area of the panel must be oriented toward a local thoroughfare street or highway, and shall not be readily visible from any existing residence within a 300-foot radius of the sign.
- (II) The mode of operation for the panel display shall be limited to the fade-in/fade-out mode where a message appears on the sign, is dissolved or turned off, and another message takes its place, not to exceed a change of message or animated image more than six per minute. The display area of the panel shall not be operated to attract the attention of viewers through flashing displays.
- (III) The proposed message panel will not degrade traffic safety given its size, height, color, brightness, mode of operation and its relationship to surrounding traffic patterns, speeds and roadway geometrics.
- (IV) The proposed message panel shall be designed as an integral part of a larger sign package for the principal land use of the parcel.
- (V) No portion of the animation or electronic message panel shall exceed the height limit for the sign in the subject district, or 20 feet in height above the average elevation of the surrounding grade, whichever is less.
- (VI) Animated signs permitted by the provisions of this section shall comply with all other sign requirements.

(4) Computation of Sign Area

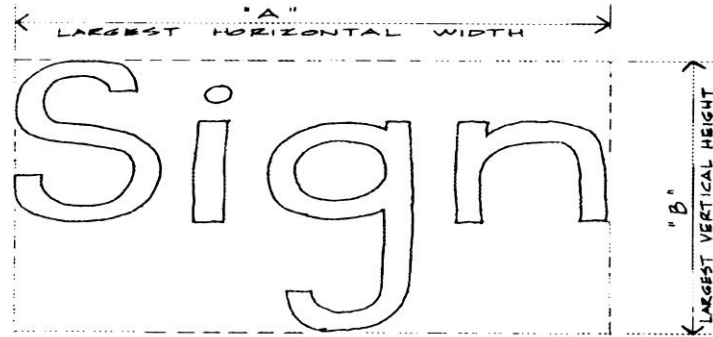
- (a) To determine compliance with the maximum allowable sign areas permitted under this Code, the area of a sign shall be considered the sign face area unless otherwise stated.
- (b) *Sign face area:* The area of a sign face shall be computed as the area within the smallest rectangle enclosing the limits of a sign face, or the combination of the areas of all such rectangles delimiting each sign face. The area shall include any frame or material, texture, or color forming an integral part of the sign face, or differentiating the sign face from the structure upon which it is placed; but shall not include the support structure itself.

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- (I) The computation of the area of a sign face shall not include the structure, supports or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those portions contained within the rectangle that delimits the sign face.
 - (II) For any sign on which the words, letters, figures, symbols, logos, fixtures, colors, or other design elements routinely change or are intended to be changed from time to time, the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.
- (c) On lots where more than one sign is located, the total gross area of all the signs shall not exceed the maximum gross area for one sign permitted by this regulation, unless otherwise approved by a "Master Signage Plan."
- (d) Sign Structure Area: The area of a sign structure shall be computed as the area within the smallest rectangle enclosing the limits of the surface of a sign whereon the sign face may be placed, including all portions of a sign structure that provide a background for the sign face but are not intended to contain any message or idea and are purely structural or decorative in nature.
- (I) Any open space contained within the limits of the rectangle delimiting the sign face, or sign structure shall be included in the computation of the area of the sign face, sign face module, or sign structure.
 - (II) For multi-faced signs, when the sign face surfaces are parallel (back-to-back), or where the interior angle formed by the faces is forty-five (45) degrees or less, the area of the sign shall be taken as the area on the largest side. For all other multi-faced signs, the area of the sign shall be the total area on all sides that can be viewed at one time from any angle.

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Figure 12.14
EXAMPLES OF SIGN FACE AREA MEASUREMENTS



MEASUREMENT OF WALL SIGN AREA WHERE
THERE IS NO DEFINED SIGN BACKGROUND

"A" x "B" = SIGN AREA

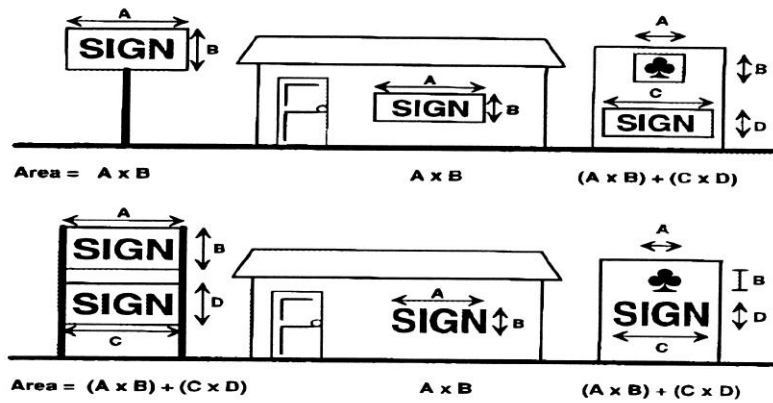
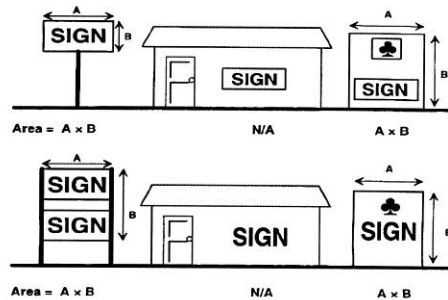


Figure 12.15
EXAMPLES OF SIGN STRUCTURE AREA MEASUREMENTS



(5) Traffic Safety

- (a) No sign shall be maintained at any location where by reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.
- (b) No sign shall be placed so as to be located within or project over any public right-of-way, unless excepted by the Planning Commission following consideration and determination of conformance with the following criteria:
 - (I) Signs projecting over the sidewalk in the DC Downtown Commercial District may be excepted, provided that no sign projected over a sidewalk shall cause potential injury to pedestrians.
 - (II) The City maintains the right to remove or relocate any sign within the right-of-way as may be necessary to maintain, improve or expand infrastructure and other public improvements within the existing right-of-way. Removal, relocation or other necessary action shall be at the expense of the developer, property owner, building owner and/or association responsible for the sign or to which the sign is associated.
 - (III) Under no circumstances shall any sign be placed in the sight triangle as defined by this regulation.

- (6) Lineal Street Frontage. In those districts where gross sign area is allocated based on lineal street frontage and the tract or parcel is adjacent to more than one street, the lineal street frontage shall be computed as follows:

- (a) For those tracts or parcels located on major streets as designated in the Major Street Plan of the Comprehensive Plan, the lineal street frontage shall be the distance of that property line abutting the major street.
 - (b) For those tracts or parcels not located on a major street, the lineal street frontage shall be one-half the sum of all the street frontages.
- (7) Landscaping. Ground signs, monument signs, and elevated signs shall be landscaped as required in these regulations.

16-1214 Non-Conformities. All signs legally existing at the time of passage of these regulations and which are made non-conforming, and are not subject to amortization requirements may remain in use under the conditions of legal nonconformance. Signs in legal nonconformance shall not be enlarged, moved, lighted, or reconstructed; however, the change of the advertising display shall not be restricted except as previously stated.

(1) Abandoned Signs

- (a) Any sign that provides notice of a special event or a temporary event or any other temporary purpose that has occurred shall be deemed to have been abandoned.
- (b) Any sign that fails to meet the maintenance requirements of this Code shall be deemed to be abandoned.

(2) Sign removal

- (a) Prohibited signs may be removed immediately by an order of the City as provided in Sub-section 12.100.
- (b) Signs that are deemed to be abandoned or otherwise found to be in violation of this Code shall be removed by the owner of the sign or owner of the premises within thirty (30) days from the written notice by the City. The City Codes Administrator shall have the discretion to grant an additional thirty (30) days for the required improvements to be made provided substantial progress is being made to correct the deficiencies and a written request for an extension is received at least five (5) working days before the end of the original notice. Any signs not removed within the time period required by this subsection may be removed by the City and all costs charged to the owner of the premises upon which the sign was located, or the owner of the sign itself.
- (c) Should any sign become in danger of falling or otherwise unsafe in the opinion of the Code Inspector, the owner or person or firm maintaining the sign shall, upon written notice from the City, forthwith in the case of immediate danger and in any case within ten (10) days, remove such sign or secure it in a manner approved by the City. Any sign not removed or secured within ten (10) days from the written notice may be removed by the City and all costs charged to the owner, agent,

or person having beneficial interest of the building or premises upon which the sign was located, or in the sign itself.

- (d) If any sign is installed, erected, or constructed in violation of this Code, the owner or person or firm maintaining the sign shall, upon written notice from the City, within ten (10) days, remove the sign or bring it into compliance with this Code. Any sign not removed or properly altered within ten (10) days from the written notice may be removed by the City and all costs charged to the owner, agent, or person having beneficial interest of the building or premises upon which the sign was located, or in the sign itself.

16-1215 Master Signage Plan. Developer/Owners of commercial centers may elect to submit a *Master Signage Plan* to accommodate multiples signs in one development. If a developer elects to submit a Master Signage Plan, no permit shall be issued for an individual sign requiring a permit unless and until a Master Signage Plan for the zone lot on which the sign will be erected has been approved by the City as conforming with this section.

- (1) Submittals. For any zone lot on which the owner proposes a sign requiring a permit, the owner shall submit a Master Signage Plan containing the following:
 - (a) An accurate plot plan of the zone lot, at such scale the City may reasonably require;
 - (b) Location of buildings, parking lots, driveways, and landscaped areas on such zone lot;
 - (c) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the zone lot(s) included in the plan under this ordinance; and
 - (d) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not; except that incidental signs need not be shown.
- (2) Sign Design Standards and Development Requirements
 - (a) The Master Signage Plan shall specify standards for consistency among all signs on the zone lot with regard to:
 - (I) Lettering or graphic style;
 - (II) Lighting;
 - (III) Location of each sign on the buildings;
 - (IV) Material; and

(V) Sign proportions.

- (b) Consent: The Master Signage Plan shall be signed by all owners or their authorized agents in such form as the City shall require.
- (c) Procedures: A Master Signage Plan shall be included in any site plan or other official plan required by the City for the proposed development and shall be processed simultaneously with such other plan.
- (d) Amendment: A Master Signage Plan may be amended by filing a new Master Signage Plan that conforms with all requirements of the ordinance then in effect.
- (e) Binding Effect: After approval of a Master Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this ordinance. In case of any conflict between the provisions of such a plan and any other provision of this ordinance, the ordinance shall control.

16-1216 Sign Permits. In addition to a building permit as may be required under the City of Eudora Building Code, a sign permit shall be obtained from the City Codes Administrator prior to installation or construction of any sign regulated under this Code except for those signs specifically exempted under this Code. Sign permits shall be granted pursuant to the provisions governing sign permits. The fee for all sign permits shall be established by the City Council from time to time; except that, there shall be no fee for temporary signs, other than business promotion/event signs.

TABLE 1: PROPERTY RESTRICTIONS

TABLE 2: TABLE OF NON-RESIDENTIAL SIGNS BY STRUCTURAL TYPE AND ZONING


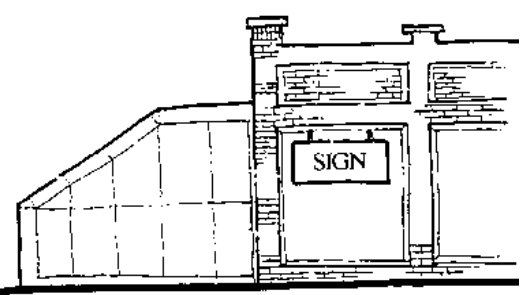
TABLE 3: TABLE OF SIGNS PERMITTED BY ZONING DISTRICT

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TABLE 1: PROPERTY RESTRICTIONS

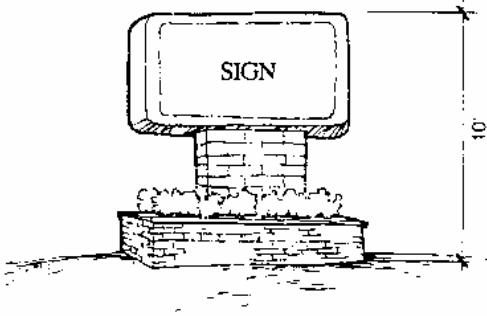
Zoning Districts	Lot Area Minimum (Square Feet)	Lot Width at Front Building Line Minimum (feet)	Lot Depth Minimum (feet)	Front	Rear		Side Yards, Minimum (feet)		Height Maximum (b)	
					Single Frontage Lot	Double Frontage Lot	Interior	Exterior (Corner Lot)	Stories	Feet
RA – Residential Agriculture	40 acres	330	330	50	50	50	20	25	2	35
RS – Residential Single-Family	7,000	60	100	25	30	25	10	25	2	35
RT – Residential Two-Family or Duplex	3,750 per dwelling unit	60	100	25	25	25	10	25	2	35
RM – Residential Multifamily	2,000 per dwelling unit. One-acre minimum parcel size	50	100	20	20	20	10	20	3	45
RE – Residential Elderly Housing	5-acre site minimum; Minimum sq. ft. per dwelling unit: Single-family: 5,250 Duplex: 2,800 Multifamily: 1,500	60	100	25	30	25	10	25	3	45
C – Commercial	10,000	100	100	20	15	20	10	20	3	45
DC – Downtown Commercial	2,500	25	100	None	None	None	None	None	3	45
I – Industrial	25,000	50	100	25	15	25	10	25	3	45

TABLE 2: NON-RESIDENTIAL SIGNS BY STRUCTURAL TYPE AND ZONING

SIGN STRUCTURAL TYPE	ZONING DISTRICT				
	AR	C	DC	Industrial	Sign Standards
Awning, Canopy or Marquee Sign 	<u>Max. No.:</u> 1 canopy sign per business. <u>Max. Area:</u> 10% of awning. <u>Max Height:</u> N/A <u>Min. Setback:</u> None <u>Illumination:</u> None.	<u>Max. No.:</u> 1 canopy sign per business. <u>Max. Area:</u> 10% of awning. <u>Max Height:</u> N/A <u>Min. Setback:</u> None <u>Illumination:</u> None.	<u>Max. No.:</u> 1 canopy sign per business. <u>Max. Area:</u> 10% of awning. <u>Max Height:</u> N/A <u>Min. Setback:</u> subject to HPC. <u>Illumination:</u> None.	<u>Max. No.:</u> 1 canopy sign per business. <u>Max. Area:</u> 10% of awning. <u>Max Height:</u> N/A <u>Min. Setback:</u> None <u>Illumination:</u> Allowed	There shall be a minimum clearance to code from a canopy sign to the sidewalk.
Window Sign 	<u>Max. Area:</u> 15% of window area, for one window, each side of building. <u>Max Height:</u> N/A <u>Min. Setback:</u> N/A <u>Illumination:</u> Allowed	<u>Max. Area:</u> 15% of window area, for each window <u>Max Height:</u> N/A <u>Min. Setback:</u> N/A <u>Illumination:</u> Allowed	<u>Max. Area:</u> 15% of window area, for each window <u>Max Height:</u> N/A <u>Min. Setback:</u> N/A <u>Illumination:</u> Allowed	<u>Max. Area:</u> 15% of window area, for each window <u>Max Height:</u> N/A <u>Min. Setback:</u> N/A <u>Illumination:</u> Allowed	Window signs shall not obstruct public safety officers' sight lines into a building.

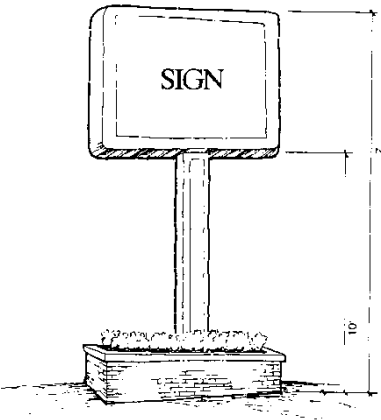
CITY OF EUDORA, KANSAS – ZONING REGULATIONS

FOR REFERENCE PURPOSES ONLY

SIGN STRUCTURAL TYPE	ZONING DISTRICT				
	AR	C	DC	Industrial	Sign Standards
Ground Sign 	Not Permitted	<u>Max. No.:</u> 1 sign per premises. <u>Max. Area:</u> 32 s.f. <u>Max Height:</u> 10' <u>Min. Setback:</u> None <u>Illumination:</u> Allowed	Not Permitted	<u>Max. No.:</u> 1 sign per premises. <u>Max. Area:</u> 32 s.f. <u>Max Height:</u> 10' <u>Min. Setback:</u> None <u>Illumination:</u> Allowed	The support structure must be no less than 50 percent of the width of the face of the sign, presenting a monolithic base. Landscaping required in all non-industrial districts.

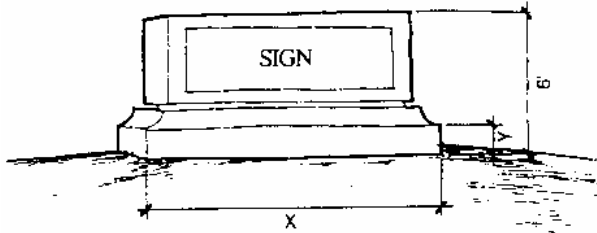
CITY OF EUDORA, KANSAS – ZONING REGULATIONS

FOR REFERENCE PURPOSES ONLY

SIGN STRUCTURAL TYPE	ZONING DISTRICT				
	AR	C	DC	Industrial	Sign Standards
Elevated Sign 	Not Permitted	<u>Max. No.:</u> 1 sign per premises. <u>Max. Area:</u> 64 s.f. <u>Max. Height:</u> 20 feet <u>Min. Setback:</u> 10' from property line; or as approved by the Planning Commission. <u>Illumination:</u> Allowed.	Not Permitted	<u>Max. No.:</u> 1 sign per premises. <u>Max. Area:</u> 100 s.f. except 144 s.f. if within 1,000' of the state right-of-way of an interchange with K-10 Highway. <u>Max Height:</u> 20'. <u>Min. Setback:</u> 10' <u>Illumination:</u> Allowed.	Elevated signs within 1,000' of a K-10 Highway right-of-way interchange may be increased by up to 20% in height by variance if highway sight lines dictate. Landscaping required in all non-industrial districts. The support structure must be no less than 25% of the width of the sign face, presenting a monolithic base.

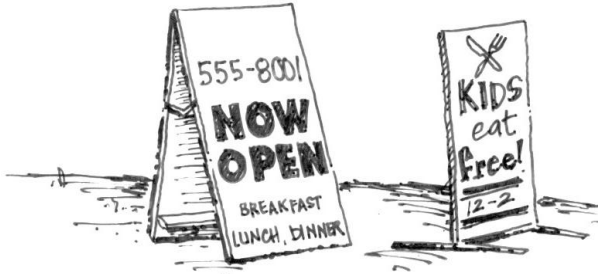

CITY OF EUDORA, KANSAS – ZONING REGULATIONS

FOR REFERENCE PURPOSES ONLY

SIGN STRUCTURAL TYPE	ZONING DISTRICT				
	AR	C	DC	Industrial	Sign Standards
Monument Sign 	<u>Max. No.:</u> 1 monument sign per premises. <u>Max. Area:</u> 32 s.f. <u>Max. Height:</u> 6 feet <u>Min. Setback:</u> 10 from property line; or as approved by the Planning Commission. <u>Illumination:</u> None, or indirectly.	<u>Max. No.:</u> 1 sign per premises. <u>Max. Area:</u> 64 s.f. <u>Max. Height:</u> 6 feet <u>Min. Setback:</u> 10' from property line; or as approved by the Planning Commission. <u>Illumination:</u> None, or indirectly.	Not Permitted	<u>Max. No.:</u> 1 sign per premises. <u>Max. Area:</u> 72 s.f. <u>Max. Height:</u> 8 feet <u>Min. Setback:</u> None, or as approved by the Planning Commission. <u>Illumination:</u> None, or indirectly.	Monument signs shall strictly comply with sight triangle setback requirements. Landscaping required in all non-industrial districts.

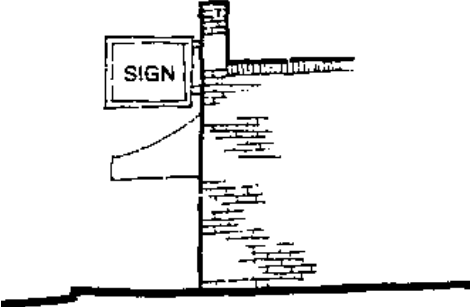
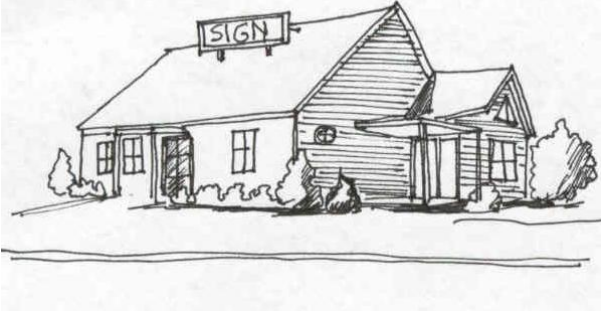
CITY OF EUDORA, KANSAS – ZONING REGULATIONS

FOR REFERENCE PURPOSES ONLY

SIGN STRUCTURAL TYPE	ZONING DISTRICT				
	AR	C	DC	Industrial	Sign Standards
<p>Temporary Free Standing Sign</p> 	<p>Not Permitted</p>	<p><u>Max. No.:</u> 1 per premises, one additional temporary freestanding sign may be displayed per street side. <u>Maximum area and height</u> shall be proportioned no larger than an adult human being. <u>Setback and illumination:</u> None</p>	<p><u>Max. No.:</u> 1 per premises, one additional temporary freestanding sign may be displayed per street side. <u>Maximum area and height</u> shall be proportioned no larger than an adult human being. <u>Setback and illumination:</u> None</p>	<p><u>Max. No.:</u> 1 per premises, except that one additional temporary freestanding sign may be displayed per street side. <u>Maximum area and height</u> shall be proportioned no larger than an adult human being. <u>Setback and illumination:</u> None</p>	<p>See restrictions in the temporary event section of these regulations concerning duration of display and related matters.</p>
<p>Portable Display Sign</p> 	<p>Not Permitted</p>	<p>Not Permitted</p>	<p>Not Permitted</p>	<p>Not Permitted</p>	<p>Amortization provisions may apply.</p>


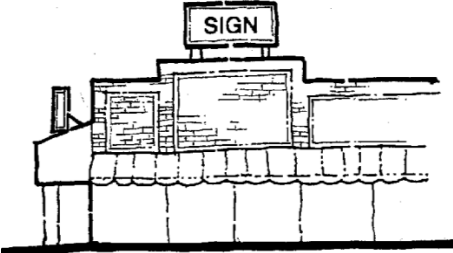
CITY OF EUDORA, KANSAS – ZONING REGULATIONS

FOR REFERENCE PURPOSES ONLY

SIGN STRUCTURAL TYPE	ZONING DISTRICT				
	AR	C	DC	Industrial	Sign Standards
<p>Projecting Sign</p> 	Not Permitted	<u>Max. No.:</u> 1 per premises. <u>Max. Area:</u> 16 s.f. <u>Max Height:</u> N/A <u>Min. Setback:</u> See standards column. <u>Illumination:</u> None or indirectly.	<u>Max. No.:</u> 1 per premises. <u>Max. Area:</u> 16 s.f. <u>Max Height:</u> N/A <u>Min. Setback:</u> See standards column. <u>Illumination:</u> None or indirectly.	<u>Max. No.:</u> 1 per building façade. <u>Max. Area:</u> 48 s.f. <u>Max Height:</u> N/A <u>Min. Setback:</u> See standards column. <u>Illumination:</u> None or indirectly.	Signs shall not project beyond the property line; except that signs in the CBD may project above a public sidewalk, provided they are elevated no less than 10' above the highest point of the walk.
<p>Roof Sign Elevated/Projecting</p> 	Not Permitted	<u>Max. No.:</u> 1 per structure. <u>Max. Area:</u> 10% of the roof face. <u>Max Height:</u> below the peak roof line <u>Min. Setback:</u> N/A <u>Illumination:</u> Allowed	Not Permitted	<u>Max. No.:</u> 1 per structure. <u>Max. Area:</u> 10% of the roof face. <u>Max Height:</u> below the peak roof line <u>Min. Setback:</u> N/A <u>Illumination:</u> Allowed	Existing roof signs shall meet building codes and permit requirements.

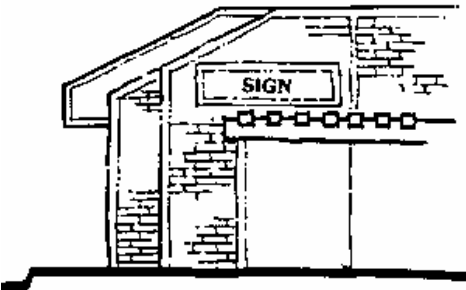
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SIGN STRUCTURAL TYPE	ZONING DISTRICT				
	AR	C	DC	Industrial	Sign Standards
Roof Sign Flush-Mounted Logo 	<u>Max. No.:</u> 1 per structure. <u>Max. Area:</u> 10% of the roof face. <u>Max Height:</u> below the peak roof line <u>Min. Setback:</u> N/A <u>Illumination:</u> Allowed	<u>Max. No.:</u> 2 per structure. <u>Max. Area:</u> 10% of the roof face. <u>Max Height:</u> below the peak roof line <u>Min. Setback:</u> N/A <u>Illumination:</u> Allowed	Not permitted, unless permitted by the Planning Commission.	<u>Max. No.:</u> 2 per structure. <u>Max. Area:</u> 10% of the roof face. <u>Max Height:</u> below the peak roof line <u>Min. Setback:</u> N/A <u>Illumination:</u> Allowed	
Roof-top Sign 	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Existing roof signs shall meet building codes and permit requirements.

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SIGN STRUCTURAL TYPE	ZONING DISTRICT				
	AR	C	DC	Industrial	Sign Standards
Wall Sign 	Not Permitted	<u>Max. No.:</u> None <u>Max. Area:</u> 15% of the wall <u>Max. Height:</u> N/A <u>Min. Setback:</u> N/A <u>Illumination:</u> Allowed.	<u>Max. No.:</u> None <u>Max. Area:</u> 15% of the wall <u>Max. Height:</u> N/A <u>Min. Setback:</u> N/A <u>Illumination:</u> Allowed.	<u>Max. No.:</u> None <u>Max. Area:</u> 15% of the wall <u>Max. Height:</u> N/A <u>Min. Setback:</u> N/A <u>Illumination:</u> Allowed.	A master plan shall be submitted for wall signage where there are multiple tenants on one premises. Attached wall signs shall meet building codes and permit requirements.

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TABLE 3: SIGNS PERMITTED BY ZONING DISTRICT

SIGNS BY FUNCTIONAL TYPE	ZONING DISTRICT						Standards or Conditions
	RA	RS, RT, RM, RE	DC	C	Master Signage	Industrial	
Animated Sign					P	P	See section on sign limitations
Attention Attracting Device				P	P	P	
Banner			P	P	P	P	
Bulletin Board Sign	P AR	P AR	P	P	P	P	
Business Sign	P	P	P	P	P	P	In association with a home occupation
Construction Sign	P AR	P AR	P	P	P	P	
Electronic Message Board				P	P	P	
Entrance/Exit Sign	P AR	P AR	P	P	P	P	
Identification Sign	P AR	P AR	P	P	P	P	
Incidental Sign	P	P	P	P	P	P	
Inflatable Sign				P	P	P	
Name Plate Sign	P AR	P AR	P	P	P	P	
Project Entrance Sign	P	P	P	P	P	P	
Pole Sign							(See “elevated sign” definition)
Real Estate Sign	P AR	P AR	P	P	P	P	
Temporary Event Sign	P AR	P AR	P	P	P	P	Sign Duration limited by event

P = Permitted

AR = Permitted for Adaptive Reuses

CITY OF EUDORA, KANSAS – ZONING REGULATIONS

FOR REFERENCE PURPOSES ONLY

TABLE 3 Continued: SIGNS PERMITTED BY ZONING DISTRICT

SIGNS BY STRUCTURAL TYPE	ZONING DISTRICTS						Standards or Conditions
	RA	RS, RT, RM, RE	DC	C	Master Signage	Industrial	
Awning, Canopy or Marquee Sign	P AR	P AR	P	P	P	P	In association with a home occupation in R-Districts
Ground Sign (Exclusive of Elevated/Monument Signs)				P	P	P	Requires Monolithic Base
Elevated Sign (Exclusive of Ground/Monument Signs)				P	P	P	Requires Monolithic Base
Monument Sign (Exclusive of Ground/ Elevated Signs)	AR	AR		P	P	P	
Temporary Free Standing Sign				P	P	P	
Portable Display Signs							Amortization provisions may apply.
Projecting Sign				P	P	P	
Roof Sign Elevated/Projecting				P	P	P	Building Permit required.
Roof Sign Flush-Mounted Logo			P	P	P	P	
Roof-top Sign							Not Permitted
Wall Sign			P	P	P	P	

P = Permitted

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